

**SB0088**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**SB0088**

Introduced 1/17/2025, by Sen. Mike Simmons

**SYNOPSIS AS INTRODUCED:**

310 ILCS 65/3  
310 ILCS 65/8

from Ch. 67 1/2, par. 1253  
from Ch. 67 1/2, par. 1258

Amends the Illinois Affordable Housing Act. Provides that funds in the Illinois Affordable Housing Trust Fund may be used for housing counseling. Defines "housing counseling" to mean services provided by an organization approved by the United States Department of Housing and Urban Development to be a HUD-Approved Housing Counseling Agency.

LRB104 03364 KTG 13386 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 Illinois Affordable Housing Act is amended  
5           by changing Sections 3 and 8 as follows:

6           (310 ILCS 65/3) (from Ch. 67 1/2, par. 1253)

7           Sec. 3. Definitions. As used in this Act:

8           (a) "Program" means the Illinois Affordable Housing  
9           Program.

10           (b) "Trust Fund" means the Illinois Affordable Housing  
11           Trust Fund.

12           (b-5) (Blank).

13           (c) "Low-income household" means a single person, family  
14           or unrelated persons living together whose adjusted income is  
15           more than 50%, but less than 80%, of the median income of the  
16           area of residence, adjusted for family size, as such adjusted  
17           income and median income for the area are determined from time  
18           to time by the United States Department of Housing and Urban  
19           Development for purposes of Section 8 of the United States  
20           Housing Act of 1937.

21           (d) "Very low-income household" means a single person,  
22           family or unrelated persons living together whose adjusted  
23           income is not more than 50% of the median income of the area of

1       residence, adjusted for family size, as such adjusted income  
2       and median income for the area are determined from time to time  
3       by the United States Department of Housing and Urban  
4       Development for purposes of Section 8 of the United States  
5       Housing Act of 1937.

6               (e) "Affordable housing" means residential housing that,  
7       so long as the same is occupied by low-income households or  
8       very low-income households, requires payment of monthly  
9       housing costs, including utilities other than telephone, of no  
10      more than 30% of the maximum allowable income as stated for  
11      such households as defined in this Section.

12               (f) "Multi-family housing" means a building or buildings  
13      providing housing to 5 or more households.

14               (g) "Single-family housing" means a building containing  
15      one to 4 dwelling units, including a mobile home as defined in  
16      subsection (b) of Section 3 of the Mobile Home Landlord and  
17      Tenant Rights Act, as amended.

18               (h) "Community-based organization" means a not-for-profit  
19      entity whose governing body includes a majority of members who  
20      reside in the community served by the organization.

21               (i) "Advocacy organization" means a not-for-profit  
22      organization which conducts, in part or in whole, activities  
23      to influence public policy on behalf of low-income or very  
24      low-income households.

25               (j) "Program Administrator" means the Illinois Housing  
26      Development Authority.

(k) "Funding Agent" means the Illinois Department of Human Services.

(1) "Commission" means the Affordable Housing Advisory Commission.

(m) "Congregate housing" means a building or structure in which 2 or more households, inclusive, share common living areas and may share child care, cleaning, cooking and other household responsibilities.

(n) "Eligible applicant" means a proprietorship, partnership, for-profit corporation, not-for-profit corporation or unit of local government which seeks to use fund assets as provided in this Article.

(o) "Moderate income household" means a single person, family or unrelated persons living together whose adjusted income is more than 80% but less than 120% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

(p) "Affordable Housing Program Trust Fund Bonds or Notes" means the bonds or notes issued by the Program Administrator under the Illinois Housing Development Act to further the purposes of this Act.

(q) "Trust Fund Moneys" means all moneys, deposits, revenues, income, interest, dividends, receipts, taxes,

1       proceeds and other amounts or funds deposited or to be  
2       deposited into the Trust Fund pursuant to subsection (b) of  
3       Section 5 of this Act and any proceeds, investments or  
4       increase thereof.

5               (r) "Program Escrow" means accounts, except those accounts  
6       relating to any Affordable Housing Program Trust Fund Bonds or  
7       Notes, designated by the Program Administrator, into which  
8       Trust Fund Moneys are deposited.

9               (s) "Common household pet" means a domesticated animal,  
10       such as a dog (*canis lupus familiaris*) or cat (*felis catus*),  
11       which is commonly kept in the home for pleasure rather than for  
12       commercial purposes.

13               (t) "Housing counseling" means services provided by an  
14       organization approved by the United States Department of  
15       Housing and Urban Development to be a HUD-Approved Housing  
16       Counseling Agency.

17       (Source: P.A. 102-283, eff. 1-1-22; 103-8, eff. 7-1-23;  
18       103-616, eff. 7-1-24.)

19               (310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

20       Sec. 8. Uses of Trust Fund.

21               (a) Subject to annual appropriation to the Funding Agent  
22       and subject to the prior dedication, allocation, transfer and  
23       use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and  
24       9 of this Act, the Trust Fund may be used to make grants,  
25       mortgages, or other loans to acquire, construct, rehabilitate,

1 develop, operate, insure, and retain affordable single-family  
2 and multi-family housing in this State for low-income and very  
3 low-income households. Funds may also be used for housing  
4 counseling. The majority of monies appropriated to the Trust  
5 Fund in any given year are to be used for affordable housing  
6 for very low-income households. For the fiscal years 2007,  
7 2008, and 2009 only, the Department of Human Services is  
8 authorized to receive appropriations and spend moneys from the  
9 Illinois Affordable Housing Trust Fund for the purpose of  
10 developing and coordinating public and private resources  
11 targeted to meet the affordable housing needs of low-income,  
12 very low-income, and special needs households in the State of  
13 Illinois.

14 (b) For each fiscal year commencing with fiscal year 1994,  
15 the Program Administrator shall certify from time to time to  
16 the Funding Agent, the Comptroller and the State Treasurer  
17 amounts, up to an aggregate in any fiscal year of \$10,000,000,  
18 of Trust Fund Moneys expected to be used or pledged by the  
19 Program Administrator during the fiscal year for the purposes  
20 and uses specified in Sections 8(c) and 9 of this Act. Subject  
21 to annual appropriation, upon receipt of such certification,  
22 the Funding Agent and the Comptroller shall dedicate and the  
23 State Treasurer shall transfer not less often than monthly to  
24 the Program Administrator or its designated payee, without  
25 requisition or further request therefor, all amounts  
26 accumulated in the Trust Fund within the State Treasury and

1 not already transferred to the Loan Commitment Account prior  
2 to the Funding Agent's receipt of such certification, until  
3 the Program Administrator has received the aggregate amount  
4 certified by the Program Administrator, to be used solely for  
5 the purposes and uses authorized and provided in Sections 8(c)  
6 and 9 of this Act. Neither the Comptroller nor the Treasurer  
7 shall transfer, dedicate or allocate any of the Trust Fund  
8 Moneys transferred or certified for transfer by the Program  
9 Administrator as provided above to any other fund, nor shall  
10 the Governor authorize any such transfer, dedication or  
11 allocation, nor shall any of the Trust Fund Moneys so  
12 dedicated, allocated or transferred be used, temporarily or  
13 otherwise, for interfund borrowing, or be otherwise used or  
14 appropriated, except as expressly authorized and provided in  
15 Sections 8(c) and 9 of this Act for the purposes and subject to  
16 the priorities, limitations and conditions provided for  
17 therein until such obligations, uses and dedications as  
18 therein provided, have been satisfied.

19 (c) Notwithstanding Section 5(b) of this Act, any Trust  
20 Fund Moneys transferred to the Program Administrator pursuant  
21 to Section 8(b) of this Act, or otherwise obtained, paid to or  
22 held by or for the Program Administrator, or pledged pursuant  
23 to resolution of the Program Administrator, for Affordable  
24 Housing Program Trust Fund Bonds or Notes under the Illinois  
25 Housing Development Act, and all proceeds, payments and  
26 receipts from investments or use of such moneys, including any

1 residual or additional funds or moneys generated or obtained  
2 in connection with any of the foregoing, may be held, pledged,  
3 applied or dedicated by the Program Administrator as follows:

4 (1) as required by the terms of any pledge of or  
5 resolution of the Program Administrator authorized under  
6 Section 9 of this Act in connection with Affordable  
7 Housing Program Trust Fund Bonds or Notes issued pursuant  
8 to the Illinois Housing Development Act;

9 (2) to or for costs of issuance and administration and  
10 the payments of any principal, interest, premium or other  
11 amounts or expenses incurred or accrued in connection with  
12 Affordable Housing Program Trust Fund Bonds or Notes,  
13 including rate protection contracts and credit support  
14 arrangements pertaining thereto, and, provided such  
15 expenses, fees and charges are obligations, whether  
16 recourse or nonrecourse, and whether financed with or paid  
17 from the proceeds of Affordable Housing Program Trust Fund  
18 Bonds or Notes, of the developers, mortgagors or other  
19 users, the Program Administrator's expenses and servicing,  
20 administration and origination fees and charges in  
21 connection with any loans, mortgages, or developments  
22 funded or financed or expected to be funded or financed,  
23 in whole or in part, from the issuance of Affordable  
24 Housing Program Trust Fund Bonds or Notes;

25 (3) to or for costs of issuance and administration and  
26 the payments of principal, interest, premium, loan fees,

1 and other amounts or other obligations of the Program  
2 Administrator, including rate protection contracts and  
3 credit support arrangements pertaining thereto, for loans,  
4 commercial paper or other notes or bonds issued by the  
5 Program Administrator pursuant to the Illinois Housing  
6 Development Act, provided that the proceeds of such loans,  
7 commercial paper or other notes or bonds are paid or  
8 expended in connection with, or refund or repay, loans,  
9 commercial paper or other notes or bonds issued or made in  
10 connection with bridge loans or loans for the  
11 construction, renovation, redevelopment, restructuring,  
12 reorganization of Affordable Housing and related expenses,  
13 including development costs, technical assistance, or  
14 other amounts to construct, preserve, improve, renovate,  
15 rehabilitate, refinance, or assist Affordable Housing,  
16 including financially troubled Affordable Housing,  
17 permanent or other financing for which has been funded or  
18 financed or is expected to be funded or financed in whole  
19 or in part by the Program Administrator through the  
20 issuance of or use of proceeds from Affordable Housing  
21 Program Trust Fund Bonds or Notes;

22 (4) to or for direct expenditures or reimbursement for  
23 development costs, technical assistance, or other amounts  
24 to construct, preserve, improve, renovate, rehabilitate,  
25 refinance, or assist Affordable Housing, including  
26 financially troubled Affordable Housing, permanent or

1       other financing for which has been funded or financed or  
2       is expected to be funded or financed in whole or in part by  
3       the Program Administrator through the issuance of or use  
4       of proceeds from Affordable Housing Program Trust Fund  
5       Bonds or Notes; and

6               (5) for deposit into any residual, sinking, reserve or  
7       revolving fund or pool established by the Program  
8       Administrator, whether or not pledged to secure Affordable  
9       Housing Program Trust Fund Bonds or Notes, to support or  
10      be utilized for the issuance, redemption, or payment of  
11      the principal, interest, premium or other amounts payable  
12      on or with respect to any existing, additional or future  
13      Affordable Housing Program Trust Fund Bonds or Notes, or  
14      to or for any other expenditure authorized by this Section  
15      8(c).

16               (d) All or a portion of the Trust Fund Moneys on deposit or  
17       to be deposited in the Trust Fund not already certified for  
18       transfer or transferred to the Program Administrator pursuant  
19       to Section 8(b) of this Act may be used to secure the repayment  
20       of Affordable Housing Program Trust Fund Bonds or Notes, or  
21       otherwise to supplement or support Affordable Housing funded  
22       or financed or intended to be funded or financed, in whole or  
23       in part, by Affordable Housing Program Trust Fund Bonds or  
24       Notes.

25               (e) Assisted housing may include housing for special needs  
26       populations such as the homeless, single-parent families, the

1 elderly, or persons with disabilities. The Trust Fund shall be  
2 used to implement a demonstration congregate housing project  
3 for any such special needs population.

4 (f) Grants from the Trust Fund may include, but are not  
5 limited to, rental assistance and security deposit subsidies  
6 for low and very low-income households.

7 (g) The Trust Fund may be used to pay actual and reasonable  
8 costs for Commission members to attend Commission meetings,  
9 and any litigation costs and expenses, including legal fees,  
10 incurred by the Program Administrator in any litigation  
11 related to this Act or its action as Program Administrator.

12 (h) The Trust Fund may be used to make grants for (1) the  
13 provision of technical assistance, (2) outreach, and (3)  
14 building an organization's capacity to develop affordable  
15 housing projects.

16 (i) Amounts on deposit in the Trust Fund may be used to  
17 reimburse the Program Administrator and the Funding Agent for  
18 costs incurred in the performance of their duties under this  
19 Act, excluding costs and fees of the Program Administrator  
20 associated with the Program Escrow to the extent withheld  
21 pursuant to paragraph (8) of subsection (b) of Section 5.

22 (Source: P.A. 99-143, eff. 7-27-15.)