

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.

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

3 (l) "Commission" means the Affordable Housing Advisory
4 Commission.

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

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

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

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

25 (q) "Trust Fund Moneys" means all moneys, deposits,
26 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.)