



Sen. Mattie Hunter

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1 AMENDMENT TO SENATE BILL 640

2 AMENDMENT NO. _____. Amend Senate Bill 640 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Energy Efficient Building Act is amended
5 by changing Sections 20 and 55 as follows:

6 (20 ILCS 3125/20)

7 Sec. 20. Applicability.

8 (a) The Board shall review and adopt the Code within one
9 year after its publication. The Code shall take effect within
10 6 months after it is adopted by the Board, except that,
11 beginning January 1, 2012, the Code adopted in 2012 shall take
12 effect on January 1, 2013. Except as otherwise provided in
13 this Act, the Code shall apply to (i) any new building or
14 structure in this State for which a building permit
15 application is received by a municipality or county and (ii)
16 beginning on August 3, 2018 (the effective date of Public Act

1 ~~100-729) this amendatory Act of the 100th General Assembly,~~
2 each State facility specified in Section 4.01 of the Capital
3 Development Board Act. In the case of any addition,
4 alteration, renovation, or repair to an existing residential
5 or commercial structure, the Code adopted under this Act
6 applies only to the portions of that structure that are being
7 added, altered, renovated, or repaired. The changes made to
8 this Section by Public Act 97-1033 ~~this amendatory Act of the~~
9 ~~97th General Assembly~~ shall in no way invalidate or otherwise
10 affect contracts entered into on or before August 17, 2012
11 (the effective date of Public Act 97-1033) ~~this amendatory Act~~
12 ~~of the 97th General Assembly.~~

13 (b) The following buildings shall be exempt from the Code:

14 (1) Buildings otherwise exempt from the provisions of
15 a locally adopted building code and buildings that do not
16 contain a conditioned space.

17 (2) Buildings that do not use either electricity or
18 fossil fuel for comfort conditioning. For purposes of
19 determining whether this exemption applies, a building
20 will be presumed to be heated by electricity, even in the
21 absence of equipment used for electric comfort heating,
22 whenever the building is provided with electrical service
23 in excess of 100 amps, unless the code enforcement
24 official determines that this electrical service is
25 necessary for purposes other than providing electric
26 comfort heating.

1 (3) Historic buildings. This exemption shall apply to
2 those buildings that are listed on the National Register
3 of Historic Places or the Illinois Register of Historic
4 Places, and to those buildings that have been designated
5 as historically significant by a local governing body that
6 is authorized to make such designations.

7 (4) (Blank).

8 (5) Other buildings specified as exempt by the
9 International Energy Conservation Code.

10 (b-5) Notwithstanding any provision of the Illinois Energy
11 Conservation Code, residential developments consisting
12 exclusively of middle housing, as defined in Section 11-13.1-5
13 of the Illinois Municipal Code or Section 5-47005 of the
14 Counties Code as applicable, may, for the following Code
15 provisions only, in lieu of complying with the most current
16 Code adopted by the Board, elect to comply with the
17 International Code Council's 2021 International Energy
18 Conservation Code or any Code editions subsequently adopted by
19 the Board:

20 (1) Fenestration U-factor requirements, as set forth
21 in Section R402.1.2 and applicable tables of the Illinois
22 Energy Conservation Code, including windows and skylights;

23 (2) Exterior door U-factor requirements, as set forth
24 in Section R402.1.2 and applicable fenestration tables of
25 the Illinois Energy Conservation Code;

26 (3) Fenestration U-factor alternative compliance

1 provisions, including Section R402.1.3 where applicable;

2 (4) Basement insulation requirements, as set forth in
3 Section R402.2.8, but only with respect to unfinished and
4 unconditioned basement spaces; and

5 (5) Ceiling insulation requirements (attics), as set
6 forth in Section R402.1.2 of the Illinois Energy
7 Conservation Code.

8 Nothing in this subsection shall be construed to alter or
9 reduce minimum insulation requirements for other opaque
10 building assemblies, including exterior walls, roofs, floors,
11 and foundation or basement walls, except as expressly provided
12 above.

13 The Board may adopt rules establishing alternative
14 compliance standards, modifications, variances, or exemptions
15 from additional specific provisions of the Illinois Energy
16 Conservation Code where strict application of such provisions
17 would materially impede the development of attainable middle
18 housing.

19 (c) Additions, alterations, renovations, or repairs to an
20 existing building, building system, or portion thereof shall
21 conform to the provisions of the Code as they relate to new
22 construction without requiring the unaltered portion of the
23 existing building or building system to comply with the Code.
24 The following need not comply with the Code, provided that the
25 energy use of the building is not increased: (i) storm windows
26 installed over existing fenestration, (ii) glass-only

1 replacements in an existing sash and frame, (iii) existing
2 ceiling, wall, or floor cavities exposed during construction,
3 provided that these cavities are filled with insulation, and
4 (iv) construction where the existing roof, wall, or floor is
5 not exposed.

6 (d) A unit of local government that does not regulate
7 energy efficient building standards is not required to adopt,
8 enforce, or administer the Code; however, any energy efficient
9 building standards adopted by a unit of local government must
10 comply with this Act. If a unit of local government does not
11 regulate energy efficient building standards, any
12 construction, renovation, or addition to buildings or
13 structures is subject to the provisions contained in this Act.
14 (Source: P.A. 102-662, eff. 9-15-21.)

15 (20 ILCS 3125/55)

16 Sec. 55. Illinois Stretch Energy Code.

17 (a) The Board, in consultation with the Agency, shall
18 create and adopt the Illinois Stretch Energy Code, to allow
19 municipalities and projects authorized or funded by the Board
20 to achieve more energy efficiency in buildings than the
21 Illinois Energy Conservation Code through a consistent pathway
22 across the State. The Illinois Stretch Energy Code shall be
23 available for adoption by any municipality and shall set
24 minimum energy efficiency requirements, taking the place of
25 the Illinois Energy Conservation Code within any municipality

1 that adopts the Illinois Stretch Energy Code.

2 (b) The Illinois Stretch Energy Code shall have separate
3 components for commercial and residential buildings, which may
4 be adopted by the municipality jointly or separately.

5 (c) The Illinois Stretch Energy Code shall apply to all
6 projects to which an energy conservation code is applicable
7 that are authorized or funded in any part by the Board after
8 July 1, 2024.

9 (d) Development of the Illinois Stretch Energy Code shall
10 be completed and available for adoption by municipalities by
11 June 30, 2024.

12 (e) Consistent with the requirements under paragraph (2.5)
13 of subsection (g) of Section 8-103B of the Public Utilities
14 Act and under paragraph (2) of subsection (j) of Section 8-104
15 of the Public Utilities Act, municipalities may adopt the
16 Illinois Stretch Energy Code and may use utility programs to
17 support compliance with the Illinois Stretch Energy Code. The
18 amount of savings from such utility efforts that may be
19 counted toward achievement of their annual savings goals shall
20 be based on reasonable estimates of the increase in savings
21 resulting from the utility efforts, relative to reasonable
22 approximations of what would have occurred absent the utility
23 involvement.

24 (f) The Illinois Stretch Energy Code's residential
25 components shall:

26 (1) apply to residential buildings as defined under

1 Section 10, with the exception of middle housing, as
2 defined in Section 11-13.1-5 of the Illinois Municipal
3 Code or Section 5-47005 of the Counties Code, as
4 applicable;

5 (2) set performance targets using a site energy index
6 with reductions relative to the 2006 International Energy
7 Conservation Code; and

8 (3) include stretch energy codes with site energy
9 index standards and adoption dates as follows: by no later
10 than June 30, 2024, the Board shall create and adopt a
11 stretch energy code with a site energy index no greater
12 than 0.50 of the 2006 International Energy Conservation
13 Code; by no later than December 31, 2026, the Board shall
14 create and adopt a stretch energy code with a site energy
15 index no greater than 0.40 of the 2006 International
16 Energy Conservation Code, unless the Board identifies
17 unanticipated burdens associated with the stretch energy
18 code adopted in 2023 or 2024, in which case the Board may
19 adopt a stretch energy code with a site energy index no
20 greater than 0.42 of the 2006 International Energy
21 Conservation Code, provided that the more relaxed standard
22 has a site energy index that is at least 0.05 more
23 restrictive than the 2024 International Energy
24 Conservation Code; by no later than December 31, 2029, the
25 Board shall create and adopt a stretch energy code with a
26 site energy index no greater than 0.33 of the 2006

1 International Energy Conservation Code, unless the Board
2 identifies unanticipated burdens associated with the
3 stretch energy code adopted in 2025, in which case the
4 Board may adopt a stretch energy code with a site energy
5 index no greater than 0.35 of the 2006 International
6 Energy Conservation Code, but only if that more relaxed
7 standard has a site energy index that is at least 0.05 more
8 restrictive than the 2027 International Energy
9 Conservation Code; and by no later than December 31, 2032,
10 the Board shall create and adopt a stretch energy code
11 with a site energy index no greater than 0.25 of the 2006
12 International Energy Conservation Code.

13 (g) The Illinois Stretch Energy Code's commercial
14 components shall:

15 (1) apply to commercial buildings as defined under
16 Section 10;

17 (2) set performance targets using a site energy index
18 with reductions relative to the 2006 International Energy
19 Conservation Code; and

20 (3) include stretch energy codes with site energy
21 index standards and adoption dates as follows: by no later
22 than June 30, 2024, the Board shall create and adopt a
23 stretch energy code with a site energy index no greater
24 than 0.60 of the 2006 International Energy Conservation
25 Code; by no later than December 31, 2026, the Board shall
26 create and adopt a stretch energy code with a site energy

1 index no greater than 0.50 of the 2006 International
2 Energy Conservation Code; by no later than December 31,
3 2029, the Board shall create and adopt a stretch energy
4 code with a site energy index no greater than 0.44 of the
5 2006 International Energy Conservation Code; and by no
6 later than December 31, 2032, the Board shall create and
7 adopt a stretch energy code with a site energy index no
8 greater than 0.39 of the 2006 International Energy
9 Conservation Code.

10 (h) The process for the creation of the Illinois Stretch
11 Energy Code includes:

12 (1) within 60 days after the effective date of this
13 amendatory Act of the 102nd General Assembly, the Capital
14 Development Board shall meet with the Illinois Energy Code
15 Advisory Council to advise and provide technical
16 assistance and recommendations to the Capital Development
17 Board for the Illinois Stretch Energy Code, which shall:

18 (A) advise the Capital Development Board on
19 creation of interim performance targets, code
20 requirements, and an implementation plan for the
21 Illinois Stretch Energy Code;

22 (B) recommend amendments to proposed rules issued
23 by the Capital Development Board;

24 (C) recommend complementary programs or policies;

25 (D) complete recommendations and development for
26 the Illinois Stretch Energy Code elements and

requirements by December 31, 2023;

(2) As part of its deliberations, the Illinois Energy Code Advisory Council shall actively solicit input from other energy code stakeholders and interested parties.
(Source: P.A. 103-4, eff. 5-31-23; 104-315, eff. 1-1-26.)

Section 10. The Counties Code is amended by adding Division 5-47 as follows:

(55 ILCS 5/Art. 5 Div. 47 heading new)

Division 47. MIDDLE HOUSING

(55 ILCS 5/5-47001 new)

Sec. 5-47001. Purpose. The purpose of this Division is to expand housing choice, increase the supply of attainable housing, and establish uniform statewide standards for middle housing production while preserving reasonable, non-exclusionary municipal design and siting authority.

(55 ILCS 5/5-47005 new)

Sec. 5-47005. Definitions. As used in this Division:
"Attached courtyard housing" means a form of middle housing consisting of 2 or more attached dwelling units arranged to face a shared common courtyard, where each unit has a primary entrance oriented toward the courtyard and the courtyard provides pedestrian access, light, air, and shared

1 open space for the dwelling units.

2 "Clear and objective standard" means a standard that does
3 not require discretionary judgment in its interpretation or
4 application and that applies uniformly to all applicants.

5 "Common courtyard" means a landscaped or hardscaped area
6 accessible to multiple dwelling units that provides pedestrian
7 access and passive or active recreation.

8 "Cottage cluster" means a grouping of 3 or more detached
9 or semi-detached dwelling units on a shared lot or parcel,
10 arranged around common open space, and served by shared
11 pedestrian or vehicular access.

12 "Detached courtyard housing" means a form of middle
13 housing consisting of 2 or more detached dwelling units
14 located on a shared lot or parcel and arranged to face a shared
15 common courtyard, where each unit has a primary entrance
16 oriented toward the courtyard and the courtyard provides
17 pedestrian access, light, air, and shared open space for the
18 dwelling units.

19 "Discretionary review" means any land-use or development
20 approval that requires the exercise of subjective judgment by
21 a legislative body, planning commission, zoning board of
22 appeals, architectural review board, or similar body,
23 including, but not limited to, special uses, conditional uses,
24 variances, planned unit developments, or non-objective design
25 review. "Discretionary review" does not include:

26 (1) ministerial building permit review for compliance

1 with clear and objective standards;

2 (2) historic preservation review required solely for
3 the demolition of a structure designated as a local,
4 State, or national historic landmark; or

5 (3) environmental or safety review required by State
6 or federal law.

7 "Middle housing" means:

8 (1) duplexes;

9 (2) triplexes;

10 (3) fourplexes;

11 (4) cottage clusters;

12 (5) townhouses;

13 (6) attached courtyard housing;

14 (7) detached courtyard housing; and

15 (8) stacked flats.

16 "Middle housing land division" means the division of land
17 containing middle housing to allow fee-simple ownership of one
18 or more dwelling units consistent with Section 5-47030.

19 "Pedestrian path" means a walkway connecting at least one
20 building entrance to a public or private street that complies
21 with the provisions of the federal Americans with Disabilities
22 Act of 1990 and its implementing regulations.

23 "Residential zoning district" means any county zoning
24 district in which detached single-family dwellings are a
25 permitted use.

26 "Stacked flats" means a middle-housing building type that

1 contains between 2 and 6 dwelling units, that has units
2 arranged in vertical tiers accessible by shared or individual
3 entrances, and that is designed to be similar in scale and
4 massing to a detached single-family house.

5 (55 ILCS 5/5-47010 new)

6 Sec. 5-47010. Statewide middle-housing entitlements.

7 (a) This Section applies to every residential zoning
8 district in every county with zoning authority under this
9 Code.

10 (b) A county may not require a minimum lot area of more
11 than 2,500 square feet for detached single-family dwellings in
12 any residential zoning district that permits detached
13 single-family dwellings.

14 (c) The following residential unit allowances are
15 permitted on any lot located in a residential zoning district
16 that permits detached single-family dwellings:

17 (1) On any lot with an area of not more than 2,500
18 square feet, at least one detached single-family dwelling
19 unit shall be permitted as of right.

20 (2) Up to 4 dwelling units are permitted as of right on
21 any lot with an area of more than 2,500 square feet and not
22 more than 7,500 square feet.

23 (3) Up to 6 dwelling units are permitted as of right on
24 any lot with an area of more than 7,500 square feet.

25 (d) Counties may authorize unit counts or densities that

1 exceed the allowances established in this Section but may not
2 reduce them.

3 (e) Beginning June 1, 2027, the development of middle
4 housing is authorized in accordance with the provisions of
5 this Division. To conform to this Section, counties may adopt,
6 by ordinance, clear and objective development standards that
7 govern form and placement of middle housing so long as those
8 standards do not have the effect of prohibiting or materially
9 impeding the development of middle housing. In any county that
10 does not adopt specific clear and objective standards for
11 middle housing, or adopts, enforces, or applies standards that
12 are in violation of this Division, permits to develop middle
13 housing shall be reviewed according to the default clear and
14 objective standards established in Section 5-47025. County
15 ordinances may ensure developments comply with the existing
16 context of the neighborhood, through clear and objective
17 development standards, including, but not limited to, bulk,
18 lot area, green space, height, floor-area ratio, lot coverage,
19 access, unit size, building separation, and design. County
20 standards may not individually or cumulatively have the effect
21 of prohibiting or materially impeding the development of
22 middle housing or unreasonably delaying development of the
23 minimum dwelling unit allowances established under this
24 Division.

25 (f) A county may not adopt, enforce, or apply automobile
26 parking regulations, including regulations regarding

1 off-street parking, that have the effect of prohibiting or
2 materially impeding the development of middle housing.

3 (g) For the first 12 months after the effective date of
4 this amendatory Act of the 104th General Assembly, counties
5 may continue to review middle-housing permit applications
6 under existing local standards. During this period, counties
7 may not adopt, enforce, or apply new standards that reduce the
8 minimum dwelling-unit entitlements set forth in subsections
9 (b) and (c). Beginning immediately after the 12-month period,
10 any county ordinance that conflicts with subsection (b) is
11 void and unenforceable to the extent of the conflict. After
12 the transition period if:

13 (1) a county has adopted conforming zoning amendments
14 under Section 5-47035, then the building permit
15 applications shall be reviewed under the county's updated
16 zoning code; and

17 (2) a county has not adopted conforming amendments
18 within 12 months after the effective date of this
19 amendatory Act of the 104th General Assembly, then the
20 building permit applications shall be reviewed under the
21 default clear-and-objective standards in Section 5-47025.

22 (h) Any residential zoning district that permits detached
23 single-family dwellings shall also permit the dwelling unit
24 allowance required under this Section, regardless of zoning
25 classification or district name.

26 (i) Nothing in this Section shall be construed to conflict

1 with existing residential development projects for which
2 contracts or agreements were executed prior to the effective
3 date of this amendatory Act of the 104th General Assembly.
4 Projects shall not be changed to conform with the middle
5 housing entitlements outlined in this Division, unless
6 requested by the developer and authorized to do so by the
7 county board of a county.

8 (55 ILCS 5/5-47015 new)

9 Sec. 5-47015. Conversion of existing residential
10 structures.

11 (a) A county must allow an existing principal residential
12 structure to be converted to any middle-housing type up to the
13 maximum units permitted under Section 5-47010 if:

14 (1) the structure is not expanded by more than 50% of
15 its existing floor area or more than 1,200 square feet,
16 whichever is greater; and

17 (2) the conversion complies with applicable building
18 codes and preservation or landmark laws.

19 (b) A compliant conversion is not subject to
20 site-development standards that apply only to new
21 construction.

22 (55 ILCS 5/5-47020 new)

23 Sec. 5-47020. Other local development and design
24 standards.

1 (a) Counties may not require any form of discretionary
2 review for middle housing developments, including, but not
3 limited to, special use permits, planned unit developments,
4 public hearings, or discretionary design review, unless the
5 same review is required for detached single-family dwellings.

6 (b) A county may require middle housing to comply with
7 generally applicable local health and safety, building, fire,
8 environmental, sewer, and stormwater regulations, and may deny
9 an application for a building permit that does not comply with
10 such regulations. A county may not adopt, enforce, or apply
11 such regulations in a manner that has the effect of
12 prohibiting or materially impeding the development of middle
13 housing, including through categorical restrictions or the
14 imposition of standards that cannot be reasonably satisfied on
15 a typical residential lot.

16 (55 ILCS 5/5-47025 new)

17 Sec. 5-47025. Default clear and objective standards.

18 (a) This Section applies in any county that fails to adopt
19 conforming zoning amendments within 12 months after the
20 effective date of this amendatory Act of the 104th General
21 Assembly.

22 (b) A county's minimum setbacks for dwellings shall not
23 exceed 10 feet from the front of the dwelling; 5 feet from
24 either side of the dwelling; 10 feet from the rear of the
25 dwelling; or 10 feet from the corner of the corner-lot street.

1 Counties may not impose a maximum building height of less than
2 35 feet. The maximum lot-coverage limit shall not be less than
3 60%. The maximum floor-area-ratio limit shall not be less than
4 1.5. The minimum separation between structures on the same lot
5 shall not exceed 6 feet, except as required by the State Fire
6 Code.

7 (c) Access to a dwelling via an alley or shared driveway
8 must be permitted. The county's maximum driveway widths must
9 not exceed 10 feet for one-way access or 20 feet for 2-way
10 access. No minimum street-frontage applies if access exists
11 via an easement or alley. No more than one driveway may be
12 required per development.

13 (d) Middle housing developments shall be subject to the
14 same design standards as single-family dwellings, except as
15 follows:

16 (1) Design standards for cottage clusters include the
17 following standards:

18 (A) The minimum unit size shall be at least 400
19 square feet.

20 (B) Cottage clusters shall contain a common open
21 space of at least 150 square feet per unit.

22 (C) Automobile parking in cottage clusters may be
23 consolidated.

24 (D) Cottage clusters shall contain pedestrian
25 paths required, as needed, for fire safety and life
26 safety.

1 (2) Complexes of between 2 and 6 units may occupy the
2 same building envelope allowed for a detached
3 single-family dwelling under this Section. Counties may
4 not require complexes of between 2 and 6 units to have
5 design differentiation from single-family structures.

6 (3) The design standards for townhomes may not require
7 minimum rear setbacks greater than 10 feet, except that
8 lots with rear alley access shall not be required to have
9 minimum rear setbacks greater than 0 feet. The design
10 standards for townhomes shall include minimum setbacks at
11 a common wall property line of greater than 0 feet.

12 (4) Existing buildings may be converted to up to 6
13 units of middle housing without triggering standards
14 applicable only to new construction, other than
15 life-safety codes. A building's existing nonconformities
16 need not be corrected.

17 (e) Counties shall approve middle housing land divisions
18 that enable fee-simple ownership, as authorized by the Plat
19 Act, notwithstanding any local zoning ordinance pertaining to
20 land division, subdivision, or platting. Lot-size, dimension,
21 and frontage requirements shall not preclude the divisions.
22 Shared areas may be governed by easements, covenants, or
23 owners' associations.

24 (55 ILCS 5/5-47030 new)

25 Sec. 5-47030. Middle-housing land divisions. Counties

1 shall approve middle-housing land divisions that enable
2 fee-simple ownership, in accordance with the Plat Act,
3 notwithstanding any local zoning ordinance pertaining to land
4 division, subdivision, or platting, if the land division
5 application demonstrates that:

6 (1) each lot or parcel contains at least one dwelling
7 unit;

8 (2) private and common areas, access ways, and shared
9 facilities are protected by recorded easements or
10 agreements;

11 (3) the proposed middle-housing land division does not
12 conflict with the county's building safety codes; and

13 (4) the middle-housing land division preserves the
14 ability to meet applicable standards under this Division.

15 The middle-housing land division shall not be denied based
16 on minimum lot-size, density, or similar standards.

17 (55 ILCS 5/5-47035 new)

18 Sec. 5-47035. County requirements.

19 (a) Each county must amend its zoning ordinance to conform
20 to this Division within 12 months after the effective date of
21 this amendatory Act of the 104th General Assembly.

22 (b) If a county fails to adopt conforming amendments
23 within 12 months after the effective date of this amendatory
24 Act of the 104th General Assembly, then the default clear and
25 objective standards in Section 5-47025 shall automatically

1 apply.

2 (c) Any county ordinance that conflicts with this Division
3 is void and unenforceable to the extent of the conflict
4 beginning 12 months after the effective date of this
5 amendatory Act of the 104th General Assembly.

6 (d) During the first 12 months after the effective date of
7 this amendatory Act of the 104th General Assembly, counties
8 may continue to review middle-housing permit applications
9 under existing local standards. No county may adopt, enforce,
10 or apply new standards during this period that reduce the
11 minimum dwelling-unit entitlements in subsection (c) of
12 Section 5-47010.

13 (e) Any person or entity aggrieved by a county's action or
14 inaction alleged to violate this Division may bring an action
15 for declaratory or injunctive relief in a court of competent
16 jurisdiction. If the court finds that a county has violated
17 this Division, then the court shall award reasonable
18 attorney's fees and costs to the prevailing plaintiff. Nothing
19 in this subsection shall be construed to limit any other
20 remedies available at law or in equity.

21 (55 ILCS 5/5-47040 new)

22 Sec. 5-47040. Middle income affordability. Middle housing
23 developments permitted under this Act shall provide at least
24 40% of their total units as affordable housing units available
25 to households whose adjusted income is more than 80% but less

1 than 120% of the median income of the area of residence,
2 adjusted for family size, as such adjusted income and median
3 income for the area are determined from time to time by the
4 United States Department of Housing and Urban Development for
5 purposes of Section 8 of the United States Housing Act of 1937.

6 (55 ILCS 5/5-47045 new)

7 Sec. 5-47045. Building code alternatives for starter homes
8 and middle housing.

9 (a) Notwithstanding Sections 20 and 25 of the Electric
10 Vehicle Charging Act, middle housing developments and newly
11 constructed single-family dwellings of not more than 1,500
12 square feet shall be exempt from any requirement that parking
13 spaces be constructed or designated as EV-capable, EV-ready,
14 or equipped with electric vehicle supply equipment (EVSE).

15 (b) The provisions of the Illinois Stretch Energy Code
16 contained in Section 55 of the Energy Efficient Building Act
17 shall not apply to middle housing developments. Middle housing
18 developments and newly constructed single-family dwellings of
19 not more than 1,500 square feet may instead comply with the
20 Illinois Energy Conservation Code adopted under Section 20 of
21 the Energy Efficient Building Act in effect at the time of
22 permitting.

23 (55 ILCS 5/5-47050 new)

24 Sec. 5-47050. Associations; prohibitions. Notwithstanding

1 any provision of this Division or other provision of law, the
2 adoption, enforcement, or application of a bylaw or exercise
3 of any power by the governing entity of a homeowners'
4 association, common interest community association, or
5 condominium unit owners' association which has the effect of
6 prohibiting or materially impeding the development of middle
7 housing is expressly prohibited.

8 (55 ILCS 5/5-47055 new)

9 Sec. 5-47055. Conflict. In case of any conflict between
10 the provisions of this Division and Division 5-12, the
11 provisions of this Division shall prevail and control.

12 (55 ILCS 5/5-47060 new)

13 Sec. 5-47060. Home rule. A home rule unit may not regulate
14 middle housing in a manner inconsistent with this Division.
15 This Division is a limitation under subsection (i) of Section
16 6 of Article VII of the Illinois Constitution on the
17 concurrent exercise by home rule units of powers and functions
18 exercised by the State.

19 Section 15. The Illinois Municipal Code is amended by
20 adding Division 13.1 as follows:

21 (65 ILCS 5/Art. 11 Div. 13.1 heading new)

22 Division 13.1. MIDDLE HOUSING

1 (65 ILCS 5/11-13.1-1 new)

2 Sec. 11-13.1-1. Purpose. The purpose of this Division is
3 to expand housing choice, increase the supply of attainable
4 housing, and establish uniform statewide standards for middle
5 housing production while preserving reasonable,
6 non-exclusionary municipal design and siting authority.

7 (65 ILCS 5/11-13.1-5 new)

8 Sec. 11-13.1-5. Definitions. As used in this Division:

9 "Attached courtyard housing" means a form of middle
10 housing consisting of 2 or more attached dwelling units
11 arranged to face a shared common courtyard, where each unit
12 has a primary entrance oriented toward the courtyard and the
13 courtyard provides pedestrian access, light, air, and shared
14 open space for the dwelling units.

15 "Clear and objective standard" means a standard that does
16 not require discretionary judgment in its interpretation or
17 application and that applies uniformly to all applicants.

18 "Common courtyard" means a landscaped or hardscaped area
19 accessible to multiple dwelling units that provides pedestrian
20 access and passive or active recreation.

21 "Cottage cluster" means a grouping of 3 or more detached
22 or semi-detached dwelling units on a shared lot or parcel,
23 arranged around common open space, and served by shared
24 pedestrian or vehicular access.

1 "Detached courtyard housing" means a form of middle
2 housing consisting of 2 or more detached dwelling units
3 located on a shared lot or parcel and arranged to face a shared
4 common courtyard, where each unit has a primary entrance
5 oriented toward the courtyard and the courtyard provides
6 pedestrian access, light, air, and shared open space for the
7 dwelling units.

8 "Discretionary review" means any land-use or development
9 approval that requires the exercise of subjective judgment by
10 a legislative body, planning commission, zoning board of
11 appeals, architectural review board, or similar body,
12 including, but not limited to, special uses, conditional uses,
13 variances, planned unit developments, or non-objective design
14 review. "Discretionary review" does not include:

15 (1) ministerial building permit review for compliance
16 with clear and objective standards;

17 (2) historic preservation review required solely for
18 the demolition of a structure designated as a local,
19 State, or national historic landmark; or

20 (3) environmental or safety review required by State
21 or federal law.

22 "Middle housing" means:

23 (1) duplexes;

24 (2) triplexes;

25 (3) fourplexes;

26 (4) cottage clusters;

1 (5) townhouses;

2 (6) attached courtyard housing;

3 (7) detached courtyard housing; and

4 (8) stacked flats.

5 "Middle housing land division" means the division of land
6 containing middle housing to allow fee-simple ownership of one
7 or more dwelling units consistent with Section 11-13.1-30.

8 "Pedestrian path" means a walkway connecting at least one
9 building entrance to a public or private street that complies
10 with the provisions of the federal Americans with Disabilities
11 Act of 1990 and its implementing regulations.

12 "Residential zoning district" means any municipal zoning
13 district in which detached single-family dwellings are a
14 permitted use.

15 "Stacked flats" means a middle-housing building type that
16 contains between 2 and 6 dwelling units, that has units
17 arranged in vertical tiers accessible by shared or individual
18 entrances, and that is designed to be similar in scale and
19 massing to a detached single-family house.

20 (65 ILCS 5/11-13.1-10 new)

21 Sec. 11-13.1-10. Statewide middle-housing entitlements.

22 (a) This Section applies to every residential zoning
23 district in every municipality with zoning authority under
24 this Code.

25 (b) A municipality may not require a minimum lot area of

1 more than 2,500 square feet for detached single-family
2 dwelling in any residential zoning district that permits
3 detached single-family dwellings.

4 (c) The following residential unit allowances are
5 permitted on any lot located in a residential zoning district
6 that permits detached single-family dwellings:

7 (1) On any lot with an area of not more than 2,500
8 square feet, at least one detached single-family dwelling
9 unit shall be permitted as of right.

10 (2) Up to 4 dwelling units are permitted as of right on
11 any lot with an area of more than 2,500 square feet and not
12 more than 7,500 square feet.

13 (3) Up to 6 dwelling units are permitted as of right on
14 any lot with an area of more than 7,500 square feet.

15 (d) Municipalities may authorize unit counts or densities
16 that exceed the allowances established in this Section but may
17 not reduce them.

18 (e) Beginning June 1, 2027, the development of middle
19 housing is authorized in accordance with the provisions of
20 this Division. To conform to this Section, municipalities may
21 adopt, by ordinance, clear and objective development standards
22 that govern form and placement of middle housing so long as
23 those standards do not have the effect of prohibiting or
24 materially impeding the development of middle housing. In any
25 municipality that does not adopt specific clear and objective
26 standards for middle housing, or adopts, enforces, or applies

1 standards that are in violation of this Code, permits to
2 develop middle housing shall be reviewed according to the
3 default clear and objective standards established in Section
4 11-13.1-25. Municipal ordinances may ensure developments
5 comply with the existing context of the neighborhood, through
6 clear and objective development standards, including, but not
7 limited to, bulk, lot area, green space, height, floor-area
8 ratio, lot coverage, access, unit size, building separation,
9 and design. Municipal standards may not individually or
10 cumulatively have the effect of prohibiting or materially
11 impeding the development of middle housing or unreasonably
12 delaying development of the minimum dwelling unit allowances
13 established under this Division.

14 (f) A municipality may not adopt, enforce, or apply
15 automobile parking regulations, including regulations
16 regarding off-street parking, that have the effect of
17 prohibiting or materially impeding the development of middle
18 housing.

19 (g) For the first 12 months after the effective date of
20 this amendatory Act of the 104th General Assembly,
21 municipalities may continue to review middle-housing permit
22 applications under existing local standards. During this
23 period, municipalities may not adopt, enforce, or apply new
24 standards that reduce the minimum dwelling-unit entitlements
25 set forth in subsections (b) and (c). Beginning immediately
26 after the 12-month period, any municipal ordinance that

1 conflicts with subsection (b) is void and unenforceable to the
2 extent of the conflict. After the transition period if:

3 (1) a municipality has adopted conforming zoning
4 amendments under Section 11-13.1-35, then the building
5 permit applications shall be reviewed under the
6 municipality's updated zoning code; and

7 (2) a municipality has not adopted conforming
8 amendments within 12 months after the effective date of
9 this amendatory Act of the 104th General Assembly, then
10 the building permit applications shall be reviewed under
11 the default clear-and-objective standards in Section
12 11-13.1-25.

13 (h) Any residential zoning district that permits detached
14 single-family dwellings shall also permit the dwelling unit
15 allowance required under this Section, regardless of zoning
16 classification or district name.

17 (i) Nothing in this Section shall be construed to conflict
18 with existing residential development projects for which
19 contracts or agreements were executed prior to the effective
20 date of this amendatory Act of the 104th General Assembly.
21 Projects shall not be changed to conform with the middle
22 housing entitlements outlined in this Division, unless
23 requested by the developer and authorized to do so by the
24 corporate authorities of a municipality.

1 Sec. 11-13.1-15. Conversion of existing residential
2 structures.

3 (a) A municipality must allow an existing principal
4 residential structure to be converted to any middle-housing
5 type up to the maximum units permitted under Section
6 11-13.1-10 if:

7 (1) the structure is not expanded by more than 50% of
8 its existing floor area or more than 1,200 square feet,
9 whichever is greater; and

10 (2) the conversion complies with applicable building
11 codes and preservation or landmark laws.

12 (b) A compliant conversion is not subject to
13 site-development standards that apply only to new
14 construction.

15 (65 ILCS 5/11-13.1-20 new)

16 Sec. 11-13.1-20. Other local development and design
17 standards.

18 (a) Municipalities may not require any form of
19 discretionary review for middle housing developments,
20 including, but not limited to, special use permits, planned
21 unit developments, public hearings, or discretionary design
22 review, unless the same review is required for detached
23 single-family dwellings.

24 (b) A municipality may require middle housing to comply
25 with generally applicable local health and safety, building,

1 fire, environmental, sewer, and stormwater regulations, and
2 may deny an application for a building permit that does not
3 comply with such regulations. A municipality may not adopt,
4 enforce, or apply such regulations in a manner that has the
5 effect of prohibiting or materially impeding the development
6 of middle housing, including through categorical restrictions
7 or the imposition of standards that cannot be reasonably
8 satisfied on a typical residential lot.

9 (65 ILCS 5/11-13.1-25 new)

10 Sec. 11-13.1-25. Default clear and objective standards.

11 (a) This Section applies in any municipality that fails to
12 adopt conforming zoning amendments within 12 months after the
13 effective date of this amendatory Act of the 104th General
14 Assembly.

15 (b) A municipality's minimum setbacks for dwellings shall
16 not exceed 10 feet from the front of the dwelling; 5 feet from
17 either side of the dwelling; 10 feet from the rear of the
18 dwelling; or 10 feet from the corner of the corner-lot street.
19 Municipalities may not impose a maximum building height of
20 less than 35 feet. The maximum lot-coverage limit shall not be
21 less than 60%. The maximum floor-area-ratio limit shall not be
22 less than 1.5. The minimum separation between structures on
23 the same lot shall not exceed 6 feet, except as required by the
24 State Fire Code.

25 (c) Access to a dwelling via an alley or shared driveway

1 must be permitted. The municipality's maximum driveway widths
2 must not exceed 10 feet for one-way access or 20 feet for 2-way
3 access. No minimum street-frontage applies if access exists
4 via an easement or alley. No more than one driveway may be
5 required per development.

6 (d) Middle housing developments shall be subject to the
7 same design standards as single-family dwellings, except as
8 follows:

9 (1) Design standards for cottage clusters include the
10 following standards:

11 (A) The minimum unit size shall be at least 400
12 square feet.

13 (B) Cottage clusters shall contain a common open
14 space of at least 150 square feet per unit.

15 (C) Automobile parking in cottage clusters may be
16 consolidated.

17 (D) Cottage clusters shall contain pedestrian
18 paths required, as needed, for fire safety and life
19 safety.

20 (2) Complexes of between 2 and 6 units may occupy the
21 same building envelope allowed for a detached
22 single-family dwelling under this Section. Municipalities
23 may not require complexes of between 2 and 6 units to have
24 design differentiation from single-family structures.

25 (3) The design standards for townhomes may not require
26 minimum rear setbacks greater than 10 feet, except that

1 lots with rear alley access shall not be required to have
2 minimum rear setbacks greater than 0 feet. The design
3 standards for townhomes shall include minimum setbacks at
4 a common wall property line of greater than 0 feet.

5 (4) Existing buildings may be converted to up to 6
6 units of middle housing without triggering standards
7 applicable only to new construction, other than
8 life-safety codes. A building's existing nonconformities
9 need not be corrected.

10 (e) Municipalities shall approve middle housing land
11 subdivisions that enable fee-simple ownership, as authorized
12 by the Plat Act, notwithstanding any local zoning ordinance
13 pertaining to land division, subdivision, or platting.
14 Lot-size, dimension, and frontage requirements shall not
15 preclude the divisions. Shared areas may be governed by
16 easements, covenants, or owners' associations.

17 (65 ILCS 5/11-13.1-30 new)

18 Sec. 11-13.1-30. Middle-housing land divisions.
19 Municipalities shall approve middle-housing land divisions
20 that enable fee-simple ownership, in accordance with the Plat
21 Act, notwithstanding any local zoning ordinance pertaining to
22 land division, subdivision, or platting, if the land division
23 application demonstrates that:

24 (1) each lot or parcel contains at least one dwelling
25 unit;

1 (2) private and common areas, access ways, and shared
2 facilities are protected by recorded easements or
3 agreements;

4 (3) the proposed middle-housing land division does not
5 conflict with the municipality's building safety codes;
6 and

7 (4) the middle-housing land division preserves the
8 ability to meet applicable standards under this Division.

9 A middle-housing land division shall not be denied based
10 on minimum lot-size, density, or similar standards.

11 (65 ILCS 5/11-13.1-35 new)

12 Sec. 11-13.1-35. Municipality requirements.

13 (a) Each municipality must amend its zoning ordinance to
14 conform to this Division within 12 months after the effective
15 date of this amendatory Act of the 104th General Assembly.

16 (b) If a municipality fails to adopt conforming amendments
17 within 12 months after the effective date of this amendatory
18 Act of the 104th General Assembly, then the default
19 clear-and-objective standards in Section 11-13.1-25 shall
20 automatically apply.

21 (c) Any municipal ordinance that conflicts with this
22 Division is void and unenforceable to the extent of the
23 conflict beginning 12 months after the effective date of this
24 amendatory Act of the 104th General Assembly.

25 (d) During the first 12 months after the effective date of

1 this amendatory Act of the 104th General Assembly,
2 municipalities may continue to review middle-housing building
3 permit applications under existing local standards. No
4 municipality may adopt, enforce, or apply new standards during
5 this period that reduce the minimum dwelling-unit entitlements
6 in subsection (c) of Section 11-13.1-10.

7 (e) Any person or entity aggrieved by a municipality's
8 action or inaction alleged to violate this Division may bring
9 an action for declaratory or injunctive relief in a court of
10 competent jurisdiction. If the court finds that a municipality
11 has violated this Division, then the court shall award
12 reasonable attorney's fees and costs to the prevailing
13 plaintiff. Nothing in this subsection shall be construed to
14 limit any other remedies available at law or in equity.

15 (65 ILCS 5/11-13.1-40 new)

16 Sec. 11-13.1-40. Middle income affordability. Middle
17 housing developments permitted under this Act shall provide at
18 least 40% of their total units as affordable housing units
19 available to households whose adjusted income is more than 80%
20 but less than 120% of the median income of the area of
21 residence, adjusted for family size, as such adjusted income
22 and median income for the area are determined from time to time
23 by the United States Department of Housing and Urban
24 Development for purposes of Section 8 of the United States
25 Housing Act of 1937.

1 (65 ILCS 5/11-13.1-45 new)

2 Sec. 11-13.1-45. Building code alternatives for starter
3 homes and middle housing.

4 (a) Notwithstanding Sections 20 and 25 of the Electric
5 Vehicle Charging Act, middle housing developments and newly
6 constructed single-family dwellings of not more than 1,500
7 square feet shall be exempt from any requirement that parking
8 spaces be constructed or designated as EV-capable, EV-ready,
9 or equipped with electric vehicle supply equipment (EVSE).

10 (b) The provisions of the Illinois Stretch Energy Code
11 contained in Section 55 of the Energy Efficient Building Act
12 shall not apply to middle housing developments. Middle housing
13 developments and newly constructed single-family dwellings of
14 not more than 1,500 square feet may instead comply with the
15 Illinois Energy Conservation Code adopted under Section 20 of
16 the Energy Efficient Building Act in effect at the time of
17 permitting.

18 (65 ILCS 5/11-13.1-50 new)

19 Sec. 11-13.1-50. Protection of Existing Small Rental
20 Housing.

21 (a) A municipality with a population of 2,000,000 or more
22 may by ordinance designate an area as a protected small rental
23 housing area. This Section applies only to development
24 authorized under this Code on parcels located within a

1 geographic area that has been designated by ordinance of a
2 municipality as a protected small rental housing area. Any
3 municipality with a smaller population may elect, by
4 ordinance, to designate a protected small rental housing area
5 and be subject to this Section.

6 (b) As used in this Section:

7 "Affordable rental unit" means a unit rented at a rate
8 affordable to a household at or below 80% of area median
9 income, or a lower threshold established by municipal
10 ordinance. "Preceding 3 years" means the 36-month period
11 before the date a complete application for development is
12 submitted. "Protected small rental housing area" means a
13 geographic area designated by ordinance under subsection (j)
14 of this Section.

15 "Residential structure with 2 to 4 dwelling units" means a
16 building containing 2, 3, 4, 5, or 6 legal dwelling units,
17 whether attached or detached. "Residential structure with 2 to
18 4 dwelling units" includes buildings with nonconforming units
19 lawfully established under prior zoning or building codes.

20 "Tenant" means a person entitled to occupy a dwelling unit
21 pursuant to a lease or other agreement, whether written or
22 oral, including a month-to-month tenancy or holdover tenancy.

23 "Withdrawn from the rental market" means a dwelling unit
24 that was previously occupied by a tenant and is no longer
25 offered for residential rental use, including through
26 termination of tenancy, non-renewal of a lease, conversion to

1 another use, or removal from the rental market in anticipation
2 of redevelopment.

3 (c) Within a protected small rental housing area, a
4 development authorized under this Code may not be approved on
5 a site that contains, or contained within the preceding 3
6 years, a residential structure with 2 to 4 dwelling units if
7 one or more dwelling units in the structure were:

8 (1) occupied by a tenant; or

9 (2) withdrawn from the rental market.

10 (d) Subsection (c) shall not apply where:

11 (1) demolition of the structure was initiated or
12 mandated by the municipality or other governmental body;
13 or

14 (2) the structure has been determined by a local
15 building official to be unsafe or uninhabitable pursuant
16 to applicable building or health codes.

17 (e) If demolition, conversion, deconversion, substantial
18 rehabilitation, or redevelopment of a residential structure
19 with 2 to 4 dwelling units is permitted under this Code, the
20 redevelopment shall include a net increase in dwelling units
21 above the number of dwelling units that existed on the site
22 within the preceding 3 years, unless the municipality
23 determines that a net increase is infeasible due to health,
24 safety, landmark, environmental, or site constraints. A
25 dwelling unit that is affordable to a household at or below 80%
26 of area median income, as defined by the Illinois Housing

1 Development Authority by objective criteria, that is
2 demolished, converted, deconverted, withdrawn from the rental
3 market, or made unavailable as a result of redevelopment
4 authorized under this Code shall be replaced on a one-for-one
5 basis with a dwelling unit affordable to a household at the
6 same or lower income level for not less than 30 years or for a
7 longer period required by municipal ordinance. A municipality
8 may require a greater number or deeper level of affordable
9 replacement units by ordinance, including requirements based
10 on unit size, bedroom count, accessibility, family-sized
11 housing needs, or neighborhood displacement risk.

12 (f) Where demolition of a structure is permitted under
13 this Section, the redevelopment shall include no fewer
14 dwelling units than existed on the site within the preceding 3
15 years.

16 (g) Nothing in this Section shall be construed to:

17 (1) prohibit development on vacant land that did not
18 contain a residential structure with 2 to 4 dwelling units
19 within the preceding 3 years;

20 (2) prohibit development on property that has not
21 contained a tenant-occupied dwelling unit within the
22 preceding 3 years; or

23 (3) limit the authority of a local government to
24 enforce generally applicable health and safety regulations
25 consistent with this Code.

26 (h) An applicant shall certify, under penalty of perjury,

1 whether any dwelling units on the site were occupied by
2 tenants or withdrawn from the rental market within the
3 preceding 3 years. A local government may rely on such
4 certification in determining compliance.

5 (i) A municipality designating a protected small rental
6 housing area shall do so by ordinance that:

7 (1) identifies the geographic boundaries of the area;
8 and

9 (2) includes a statement of findings demonstrating
10 that the area is experiencing, or is at risk of
11 experiencing, displacement of tenants or loss of a
12 residential structure with 2 to 4 dwelling units. The
13 findings may be based on locally determined criteria,
14 including, but not limited to:

15 (A) concentrations of tenant-occupied residential
16 structures with 2 to 4 dwelling units;

17 (B) recent or anticipated redevelopment activity;

18 (C) increases in rents or property values;

19 (D) designation under an Affordable Requirements
20 Ordinance or similar preservation or anti-displacement
21 framework; or

22 (E) other locally relevant indicators of housing
23 instability or displacement risk. Designation shall be
24 applied uniformly within the designated area and may
25 not be applied on a parcel-by-parcel basis.

1 (65 ILCS 5/11-13.1-55 new)

2 Sec. 11-13.1-55. Associations; prohibitions.
3 Notwithstanding any provision of this Division or other
4 provision of law, the adoption, enforcement, or application of
5 a bylaw or exercise of any power by the governing entity of a
6 homeowners' association, common interest community
7 association, or condominium unit owners' association that has
8 the effect of prohibiting or materially impeding the
9 development of middle housing is expressly prohibited.

10 (65 ILCS 5/11-13.1-60 new)

11 Sec. 11-13.1-60. Conflict. In case of any conflict between
12 the provisions of this Division and Division 11-13, the
13 provisions of this Division shall prevail and control.

14 (65 ILCS 5/11-13.1-65 new)

15 Sec. 11-13.1-65. Home rule. A home rule unit may not
16 regulate middle housing in a manner inconsistent with this
17 Division. This Division is a limitation under subsection (i)
18 of Section 6 of Article VII of the Illinois Constitution on the
19 concurrent exercise by home rule units of powers and functions
20 exercised by the State.

21 Section 20. The Electric Vehicle Charging Act is amended
22 by changing Section 10 as follows:

1 (765 ILCS 1085/10)

2 Sec. 10. Applicability.

3 (a) For the purposes of Sections 20 and 25, this Act
4 applies to newly constructed single-family homes and
5 multifamily residential buildings, except middle housing
6 developments, that have parking spaces and are constructed
7 after the effective date of this Act. As used in this
8 subsection, "middle housing" has the meaning given in Section
9 11-13.1-5 of the Illinois Municipal Code and the meaning given
10 in Section 5-47005 of the Counties Code, as applicable.

11 (b) For the purposes of Sections 30 and 35, this Act
12 applies to unit owners, tenants, landlords, and associations
13 of both newly constructed and existing single-family homes and
14 multifamily residential buildings that have parking spaces.

15 (c) The provisions of this Act do not apply to any tiny
16 home constructed for veterans who are homeless or at risk of
17 homelessness and in need of secure, long-term affordable
18 housing, if that tiny home is constructed by a nonprofit
19 organization described in Section 501(c)(3) or Section
20 501(c)(19) of the Internal Revenue Code of 1986 that
21 exclusively funds and administers projects and services for
22 veterans. Every county and municipality that has the power to
23 issue building permits and otherwise control the construction
24 of buildings shall require by ordinance that an applicant
25 seeking a building permit to construct tiny homes for at-risk
26 veterans must include with the permit application a completed

1 and signed affidavit stating that all buildings constructed
2 under the permit are designated for the exclusive use of
3 qualifying veterans who are homeless or at risk of
4 homelessness and in need of secure, long-term affordable
5 housing. No county or municipality, including a home rule
6 unit, shall adopt any building code or ordinance that requires
7 EV-capable parking spaces for tiny homes constructed for the
8 purpose of providing affordable housing for at-risk veterans
9 as provided in this subsection. This subsection is a
10 limitation under subsection (i) of Section 6 of Article VII of
11 the Illinois Constitution on the concurrent exercise by home
12 rule units of powers and functions exercised by the State.

13 As used in this subsection:

14 "Tiny home" means an individual, detached residential
15 dwelling unit of no more than 800 square feet, occupying a lot
16 either by itself or sharing a common lot with other tiny homes.
17 "Tiny home" does not include a manufactured home as defined in
18 the Mobile Home Landlord and Tenant Rights Act. "Tiny home"
19 does not include a single unit in a small multifamily
20 residence or a large multifamily residence.

21 "Veteran" means a person who served in and who has
22 received an honorable or general discharge from, the United
23 States Army, Navy, Air Force, Space Force, Marines, Coast
24 Guard, or reserves thereof, or who served in the Army National
25 Guard, Air National Guard, or Illinois National Guard.

26 (Source: P.A. 103-53, eff. 1-1-24; 103-572, eff. 1-1-24;

10400SB0640sam001

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1 104-341, eff. 8-15-25.)".