



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 Illinois Housing Development Act is
5 amended by adding Section 7.34 as follows:

6 (20 ILCS 3805/7.34 new)

7 Sec. 7.34. Grants and Technical Assistance.

8 (a) As used in this Section, "middle housing" has the
9 meaning given in Section 11-13.1-5 of the Illinois Municipal
10 Code and the meaning given in Section 5-47005 of the Counties
11 Code, as applicable.

12 (b) The Authority may administer grants and provide
13 technical assistance resources to support units of local
14 government with the adoption of conforming zoning ordinances
15 in accordance with this Act, and to otherwise incentivize
16 middle housing developments. The Authority may enter into

1 intergovernmental agreements and other agreements with
2 not-for-profit organizations as necessary to provide technical
3 assistance resources to qualifying units of local government,
4 and small and underrepresented developers. The technical
5 assistance resources may include, but are not limited to:

6 (1) model ordinances or other resources to support
7 units of local government with the adoption of conforming
8 zoning amendments;

9 (2) capacity-building grant incentives for units of
10 local government and land banks that acquire, remediate,
11 or stabilize deteriorated land for the purposes of
12 creating low-cost opportunities for middle-income housing
13 development;

14 (3) programming and resources to connect and
15 coordinate units of local government with middle housing
16 developers;

17 (4) existing Authority grant funds and other resources
18 dedicated to equipping developers and units of local
19 government with the proper skills, support, and training
20 to enter and succeed in the middle housing development
21 space;

22 (5) targeted assistance for small or underrepresented
23 developers or units of local governments to train them in
24 deal structuring, navigating State programs and property
25 management, and other qualifications necessary for middle
26 housing developments and project management.

1 (c) The Authority may adopt rules necessary to implement
2 and administer this Section.

3 Section 10. The Energy Efficient Building Act is amended
4 by changing Section 20 as follows:

5 (20 ILCS 3125/20)

6 Sec. 20. Applicability.

7 (a) The Board shall review and adopt the Code within one
8 year after its publication. The Code shall take effect within
9 6 months after it is adopted by the Board, except that,
10 beginning January 1, 2012, the Code adopted in 2012 shall take
11 effect on January 1, 2013. Except as otherwise provided in
12 this Act, the Code shall apply to (i) any new building or
13 structure in this State for which a building permit
14 application is received by a municipality or county and (ii)
15 beginning on August 3, 2018 (the effective date of Public Act
16 100-729) ~~this amendatory Act of the 100th General Assembly,~~
17 each State facility specified in Section 4.01 of the Capital
18 Development Board Act. In the case of any addition,
19 alteration, renovation, or repair to an existing residential
20 or commercial structure, the Code adopted under this Act
21 applies only to the portions of that structure that are being
22 added, altered, renovated, or repaired. The changes made to
23 this Section by Public Act 97-1033 ~~this amendatory Act of the~~
24 ~~97th General Assembly~~ shall in no way invalidate or otherwise

1 affect contracts entered into on or before August 17, 2012
2 (the effective date of Public Act 97-1033) ~~this amendatory Act~~
3 ~~of the 97th General Assembly.~~

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

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

8 (2) Buildings that do not use either electricity or
9 fossil fuel for comfort conditioning. For purposes of
10 determining whether this exemption applies, a building
11 will be presumed to be heated by electricity, even in the
12 absence of equipment used for electric comfort heating,
13 whenever the building is provided with electrical service
14 in excess of 100 amps, unless the code enforcement
15 official determines that this electrical service is
16 necessary for purposes other than providing electric
17 comfort heating.

18 (3) Historic buildings. This exemption shall apply to
19 those buildings that are listed on the National Register
20 of Historic Places or the Illinois Register of Historic
21 Places, and to those buildings that have been designated
22 as historically significant by a local governing body that
23 is authorized to make such designations.

24 (4) (Blank).

25 (5) Other buildings specified as exempt by the
26 International Energy Conservation Code.

1 (b-5) Notwithstanding any provision of the Illinois Energy
2 Conservation Code, for a period of no more than 10 years after
3 the effective date of this amendatory Act of the 104th General
4 Assembly, residential developments consisting exclusively of
5 middle housing, as defined in Section 11-13.1-5 of the
6 Illinois Municipal Code or Section 5-47005 of the Counties
7 Code, as applicable, may, with respect to Section R402 of the
8 Illinois Energy Conservation Code relating to building thermal
9 envelope requirements, elect to comply with the building
10 thermal envelope requirements of Section R402 of the 2018
11 Illinois Energy Conservation Code or any Code editions
12 subsequently adopted by the Board, in lieu of complying with
13 the building thermal envelope requirements of the most current
14 Illinois Energy Conservation Code adopted by the Board.

15 (c) Additions, alterations, renovations, or repairs to an
16 existing building, building system, or portion thereof shall
17 conform to the provisions of the Code as they relate to new
18 construction without requiring the unaltered portion of the
19 existing building or building system to comply with the Code.
20 The following need not comply with the Code, provided that the
21 energy use of the building is not increased: (i) storm windows
22 installed over existing fenestration, (ii) glass-only
23 replacements in an existing sash and frame, (iii) existing
24 ceiling, wall, or floor cavities exposed during construction,
25 provided that these cavities are filled with insulation, and
26 (iv) construction where the existing roof, wall, or floor is

1 not exposed.

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

11 Section 15. The Counties Code is amended by adding
12 Division 5-47 as follows:

13 (55 ILCS 5/Art. 5 Div. 47 heading new)

14 Division 47. MIDDLE HOUSING

15 (55 ILCS 5/5-47001 new)

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

21 (55 ILCS 5/5-47005 new)

22 Sec. 5-47005. Definitions. As used in this Division:

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

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

10 "Common courtyard" means a landscaped or hardscaped area
11 accessible to multiple dwelling units that provides pedestrian
12 access and passive or active recreation.

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

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

24 "Discretionary review" means any land-use or development
25 approval that requires the exercise of subjective judgment by
26 a legislative body, planning commission, zoning board of

1 appeals, architectural review board, or similar body,
2 including, but not limited to, special uses, conditional uses,
3 variances, planned unit developments, or non-objective design
4 review. "Discretionary review" does not include:

5 (1) ministerial building permit review for compliance
6 with clear and objective standards;

7 (2) historic preservation review required solely for
8 the demolition of a structure designated as a local,
9 State, or national historic landmark or contributing to a
10 local landmark; or

11 (3) environmental or safety review required by State
12 or federal law.

13 "Middle housing" means:

14 (1) duplexes;

15 (2) triplexes;

16 (3) fourplexes;

17 (4) cottage clusters;

18 (5) townhouses;

19 (6) attached courtyard housing;

20 (7) detached courtyard housing;

21 (8) stacked flat plexes; and

22 (9) single family dwellings on lots of not more than
23 2,500 square feet.

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

1 "Mission-driven developer" means a nonprofit corporation,
2 public body, or entity controlled by a nonprofit corporation
3 or public body whose primary purpose includes the development,
4 preservation, or operation of affordable housing.

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

9 "Residential zoning district" means any county zoning
10 district in which detached single-family dwellings are a
11 permitted use. "Residential zoning district" does not include
12 any county zoning district zoned for agriculture.

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

18 (55 ILCS 5/5-47010 new)

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

20 (a) This Section applies to every residential zoning
21 district in every county with zoning authority under this
22 Code.

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

1 single-family dwellings.

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

5 (1) At least one detached single-family dwelling unit
6 is permitted as of right on any lot with an area of not
7 more than 2,500 square feet.

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

11 (3) Up to 6 dwelling units are permitted as of right on
12 any lot with an area of more than 7,500 square feet,
13 provided that the development satisfies the affordability,
14 community land trust or shared-equity ownership, or
15 mission-driven developer requirements in Section 5-47040,
16 unless the county has elected by ordinance not to apply
17 the affordability requirements under Section 5-47040.

18 (d) Counties may authorize unit counts or densities that
19 exceed the allowances established in this Section but may not
20 reduce them.

21 (e) Beginning June 1, 2027, the development of middle
22 housing is authorized in accordance with the provisions of
23 this Division. To conform to this Section, counties may adopt,
24 by ordinance, clear and objective standards for middle housing
25 development that govern form and placement of middle housing
26 so long as those standards do not have the effect of

1 prohibiting or materially impeding the development of middle
2 housing. In any county that does not adopt specific clear and
3 objective standards for middle housing, or adopts, enforces,
4 or applies standards that are in violation of this Division,
5 permits to develop middle housing shall be reviewed according
6 to the default clear and objective standards established in
7 Section 5-47025. County ordinances may ensure developments
8 comply with the existing context of the neighborhood, through
9 clear and objective standards for middle housing development,
10 including, but not limited to, bulk, lot area, green space,
11 height, floor-area ratio, lot coverage, access, unit size,
12 building separation, and design. County standards may not
13 individually or cumulatively have the effect of prohibiting or
14 materially impeding the development of middle housing or
15 unreasonably delaying development of the minimum dwelling unit
16 allowances established under this Division.

17 (f) A county may not adopt, enforce, or apply automobile
18 parking regulations, including regulations regarding
19 off-street parking, that have the effect of prohibiting or
20 materially impeding the development of middle housing. Nothing
21 in this subsection limits the application of clear and
22 objective standards required for emergency vehicle access,
23 accessibility for persons with disabilities, fire and life
24 safety code compliance, or building code compliance, provided
25 that such standards shall not be used to impose off-street
26 parking requirements that prohibit, materially impede, or

1 unreasonably delay middle housing authorized under this
2 Division.

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) or (c)
11 is void and unenforceable to the extent of the conflict. After
12 the transition period if:

13 (1) a county has adopted conforming zoning standards
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
6 Building 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 of
22 land. 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.

23 (a) A county shall allow up to 6 dwelling units by right on
24 a lot of more than 7,500 square feet if the development
25 satisfies at least one of the following:

1 (1) at least 2 dwelling units are affordable to
2 households earning at or below 120% of area median income
3 or at a deeper level of affordability if required by the
4 county;

5 (2) the development is owned or developed by a
6 community land trust or shared-equity housing
7 organization; or

8 (3) the development is undertaken by a mission-driven
9 developer.

10 (b) An affordable unit shall remain affordable for a
11 period established by the county. A county may require the 2
12 affordable dwelling units under paragraph (1) of subsection
13 (a) to be affordable at a level deeper than 120% of area median
14 income, provided that such requirement applies only to those 2
15 units and does not preclude development otherwise authorized
16 under this Section.

17 (c) A county may, by ordinance, elect not to apply the
18 affordability requirements established in subsection (a) of
19 this Section. A county that makes such an election shall
20 continue to allow 6 dwelling units by right on lots of more
21 than 7,500 square feet without requiring any dwelling unit to
22 be affordable under this Section.

23 (55 ILCS 5/5-47045 new)

24 Sec. 5-47045. Building code alternatives for starter homes
25 and middle housing.

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

7 (b) Notwithstanding any provision of the Illinois Energy
8 Conservation Code, for a period of no more than 10 years from
9 the effective date of this amendatory Act of the 104th General
10 Assembly, residential developments consisting exclusively of
11 middle housing, as defined in Section 5-47005 of the Counties
12 Code, may, with respect to Section R402 of the Illinois Energy
13 Conservation Code relating to building thermal envelope
14 requirements, elect to comply with the building
15 thermal-envelope requirements of Section R402 of the 2018
16 Illinois Energy Conservation Code or any Code editions
17 subsequently adopted by the Capital Development Board, in lieu
18 of complying with the building thermal envelope requirements
19 of the most current Illinois Energy Conservation Code adopted
20 by the Capital Development Board.

21 (55 ILCS 5/5-47050 new)

22 Sec. 5-47050. Associations; prohibitions. Notwithstanding
23 any provision of this Division or other provision of law, the
24 adoption, enforcement, or application of a bylaw or exercise
25 of any power by the governing entity of a homeowners'

1 association, common interest community association, or
2 condominium unit owners' association which has the effect of
3 prohibiting or materially impeding the development of middle
4 housing is expressly prohibited.

5 (55 ILCS 5/5-47055 new)

6 Sec. 5-47055. Conflict. In case of any conflict between
7 the provisions of this Division and Division 5-12, the
8 provisions of this Division shall prevail and control.

9 (55 ILCS 5/5-47060 new)

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

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

18 (65 ILCS 5/Art. 11 Div. 13.1 heading new)

19 Division 13.1. MIDDLE HOUSING

20 (65 ILCS 5/11-13.1-1 new)

21 Sec. 11-13.1-1. Purpose. The purpose of this Division is

1 to expand housing choice, increase the supply of attainable
2 housing, and establish uniform statewide standards for middle
3 housing production while preserving reasonable,
4 non-exclusionary municipal design and siting authority.
5 Nothing in this Division shall be construed to supersede or
6 limit any affordable requirements ordinance or any similar
7 municipal preservation, anti-displacement, or
8 anti-gentrification ordinance adopted prior to the effective
9 date of this amendatory Act of the 104th General Assembly,
10 solely with respect to a residential structure with 2 to 4
11 dwelling units as provided in Section 11-13.1-50.

12 (65 ILCS 5/11-13.1-5 new)

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

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

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

23 "Common courtyard" means a landscaped or hardscaped area
24 accessible to multiple dwelling units that provides pedestrian
25 access and passive or active recreation.

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

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

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

19 (1) ministerial building permit review for compliance
20 with clear and objective standards;

21 (2) historic preservation review required solely for
22 the demolition of a structure designated as a local,
23 State, or national historic landmark or contributing to a
24 local landmark district; or

25 (3) environmental or safety review required by State
26 or federal law.

1 "Middle housing" means:

2 (1) duplexes;

3 (2) triplexes;

4 (3) fourplexes;

5 (4) cottage clusters;

6 (5) townhouses;

7 (6) attached courtyard housing;

8 (7) detached courtyard housing;

9 (8) stacked flat plexes; and

10 (9) single family dwellings on lots of not more than
11 2,500 square feet.

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

15 "Mission-driven developer" means a nonprofit corporation,
16 public body, or entity controlled by a nonprofit corporation
17 or public body whose primary purpose includes the development,
18 preservation, or operation of affordable housing.

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

24 "Residential zoning district" means any municipal zoning
25 district in which detached single-family dwellings are a
26 permitted use. "Residential zoning district" does not include

1 any municipal zoning district zoned for agriculture.

2 "Stacked flat plexes" means a middle-housing building type
3 that contains between 2 and 6 dwelling units, that has units
4 arranged in vertical tiers accessible by shared or individual
5 entrances, and that is designed to be similar in scale and
6 massing to a detached single-family house.

7 (65 ILCS 5/11-13.1-10 new)

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

9 (a) This Section applies to every residential zoning
10 district in every municipality with zoning authority under
11 this Code.

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

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

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

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

25 (3) Up to 6 dwelling units are permitted as of right on

1 any lot with an area of more than 7,500 square feet,
2 provided that the development satisfies the affordability,
3 community land trust or shared-equity ownership, or
4 mission-driven developer requirements in Section
5 11-13.1-40, unless the municipality has elected by
6 ordinance not to apply the affordability requirements in
7 Section 11-13.1-40.

8 (d) Municipalities may authorize unit counts or densities
9 that exceed the allowances established in this Section but may
10 not reduce them.

11 (e) Beginning June 1, 2027, the development of middle
12 housing is authorized in accordance with the provisions of
13 this Division. To conform to this Section, municipalities may
14 adopt, by ordinance, clear and objective standards for middle
15 housing development that govern form and placement of middle
16 housing so long as those standards do not have the effect of
17 prohibiting or materially impeding the development of middle
18 housing. In any municipality that does not adopt specific
19 clear and objective standards for middle housing, or adopts,
20 enforces, or applies standards that are in violation of this
21 Code, permits to develop middle housing shall be reviewed
22 according to the default clear and objective standards
23 established in Section 11-13.1-25. Municipal ordinances may
24 ensure developments comply with the existing context of the
25 neighborhood, through clear and objective standards for middle
26 housing development, including, but not limited to, bulk, lot

1 area, green space, height, floor-area ratio, lot coverage,
2 access, unit size, building separation, and design. Municipal
3 standards may not individually or cumulatively have the effect
4 of prohibiting or materially impeding the development of
5 middle housing or unreasonably delaying development of the
6 minimum dwelling unit allowances established under this
7 Division.

8 (f) A municipality may not adopt, enforce, or apply
9 automobile parking regulations, including regulations
10 regarding off-street parking, that have the effect of
11 prohibiting or materially impeding the development of middle
12 housing. Nothing in this subsection limits the application of
13 clear and objective standards required for emergency vehicle
14 access, accessibility for persons with disabilities, fire and
15 life safety code compliance, or building code compliance,
16 provided that such standards shall not be used to impose
17 off-street parking requirements that prohibit, materially
18 impede or unreasonably delay middle housing authorized under
19 this Division.

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

1 after the 12-month period, any municipal ordinance that
2 conflicts with subsection (b) or (c) is void and unenforceable
3 to the extent of the conflict. After the transition period if:

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

8 (2) a municipality has not adopted conforming
9 amendments within 12 months after the effective date of
10 this amendatory Act of the 104th General Assembly, then
11 the building permit applications shall be reviewed under
12 the default clear-and-objective standards in Section
13 11-13.1-25.

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

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

1 (65 ILCS 5/11-13.1-15 new)

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

4 (a) A municipality must allow an existing principal
5 residential structure to be converted to any middle-housing
6 type up to the maximum units permitted under Section
7 11-13.1-10 if:

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

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

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

16 (65 ILCS 5/11-13.1-20 new)

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

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

25 (b) A municipality may require middle housing to comply

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

10 (65 ILCS 5/11-13.1-25 new)

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

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

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

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

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

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

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

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

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

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

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

26 (3) The design standards for townhomes may not require

1 minimum rear setbacks greater than 10 feet, except that
2 lots with rear alley access shall not be required to have
3 minimum rear setbacks greater than 0 feet. The design
4 standards for townhomes shall include minimum setbacks at
5 a common wall property line of greater than 0 feet.

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

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

18 (65 ILCS 5/11-13.1-30 new)

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

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

1 unit;

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

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

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

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

12 (65 ILCS 5/11-13.1-35 new)

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

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

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

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

1 (d) During the first 12 months after the effective date of
2 this amendatory Act of the 104th General Assembly,
3 municipalities may continue to review middle-housing building
4 permit applications under existing local standards. No
5 municipality may adopt, enforce, or apply new standards during
6 this period that reduce the minimum dwelling-unit entitlements
7 in subsection (c) of Section 11-13.1-10.

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

16 (65 ILCS 5/11-13.1-40 new)

17 Sec. 11-13.1-40. Middle income affordability.

18 (a) A municipality shall allow up to 6 dwelling units by
19 right on a lot of more than 7,500 square feet if the
20 development satisfies at least one of the following:

21 (1) at least 2 dwelling units are affordable to
22 households earning at or below 120% of area median income
23 or at a deeper level of affordability if required by the
24 municipality;

25 (2) the development is owned or developed by a

1 community land trust or shared-equity housing
2 organization; or

3 (3) the development is undertaken by a mission-driven
4 developer.

5 (b) An affordable unit shall remain affordable for a
6 period established by the municipality. A municipality may
7 require the 2 affordable dwelling units under paragraph (1) of
8 subsection (a) to be affordable at a level deeper than 120% of
9 area median income, provided that such requirement applies
10 only to those 2 units and does not preclude development
11 otherwise authorized under this Section.

12 (c) A municipality may, by ordinance, elect not to apply
13 the affordability requirements established in subsection (a)
14 of this Section. A municipality that makes such an election
15 shall continue to allow 6 dwelling units by right on lots of
16 more than 7,500 square feet without requiring any dwelling
17 unit to be affordable under this Section.

18 (65 ILCS 5/11-13.1-45 new)

19 Sec. 11-13.1-45. Building code alternatives for starter
20 homes and middle housing.

21 (a) Notwithstanding Sections 20 and 25 of the Electric
22 Vehicle Charging Act, middle housing developments and newly
23 constructed single-family dwellings of not more than 1,500
24 square feet shall be exempt from any requirement that parking
25 spaces be constructed or designated as EV-capable, EV-ready,

1 or equipped with electric vehicle supply equipment (EVSE).

2 (b) Notwithstanding any provision of the Illinois Energy
3 Conservation Code, for a period of no more than 10 years from
4 the effective date of this amendatory Act of the 104th General
5 Assembly, residential developments consisting exclusively of
6 middle housing, as defined in Section 11-13.1-5 of the
7 Illinois Municipal Code, may, with respect to Section R402 of
8 the Illinois Energy Conservation Code relating to building
9 thermal envelope requirements, elect to comply with the
10 building thermal envelope requirements of Section R402 of the
11 2018 Illinois Energy Conservation Code or any Code editions
12 subsequently adopted by the Capital Development Board, in lieu
13 of complying with the building thermal envelope requirements
14 of the most current Illinois Energy Conservation Code adopted
15 by the Capital Development Board.

16 (65 ILCS 5/11-13.1-50 new)

17 Sec. 11-13.1-50. Protection of existing small rental
18 housing.

19 (a) A municipality may, by ordinance, designate an area as
20 a protected small rental housing area. This Section applies
21 only to development authorized under this Code on parcels
22 located within a geographic area that has been designated by
23 ordinance of a municipality as a protected small rental
24 housing area. Any area currently designated as a protected
25 area under a municipal preservation, anti-displacement, or

1 anti-gentrification ordinance adopted prior to the effective
2 date of this amendatory Act of the 104th General Assembly
3 shall be automatically opted into the requirements of this
4 Section, unless a municipality adopts an ordinance removing
5 the designated area from this Section. Nothing in this
6 subsection shall be construed to authorize a municipality to
7 apply any ordinance to prohibit, condition, delay, or restrict
8 a development authorized under this Division except with
9 respect to a residential structure with 2 to 4 dwelling units
10 as provided in this Section.

11 (b) As used in this Section:

12 "Preceding 3 years" means the 36-month period before the
13 date a complete application for development is submitted.

14 "Protected small rental housing area" means a geographic
15 area designated by ordinance under subsection (j) of this
16 Section.

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

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

25 "Withdrawn from the rental market" means a dwelling unit
26 that was previously occupied by a tenant and is no longer

1 offered for residential rental use, including through
2 termination of tenancy, non-renewal of a lease, conversion to
3 another use, or removal from the rental market in anticipation
4 of redevelopment.

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

10 (1) occupied by a tenant; or

11 (2) withdrawn from the rental market.

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

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

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

19 (e) Subsection (c) shall not apply to a development that
20 consists solely of additions, interior conversions, vertical
21 expansions, or accessory structures, including accessory
22 dwelling units, provided that the existing residential
23 structure is retained and no existing dwelling units are
24 removed or reduced in number.

25 (f) Where demolition of a structure is permitted under
26 this Section, the redevelopment shall include no fewer

1 dwelling units than existed on the site within the preceding 3
2 years.

3 (g) Within a protected small rental housing area, a
4 development authorized under this Act may not reduce the
5 number of dwelling units on a site containing a residential
6 structure with 2 to 4 dwelling units.

7 (h) Nothing in this Section shall be construed to:

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

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

14 (3) limit the authority of a local government to
15 enforce generally applicable health and safety regulations
16 consistent with this Code.

17 (i) An applicant shall certify, under penalty of perjury,
18 whether any dwelling units on the site were occupied by
19 tenants or withdrawn from the rental market within the
20 preceding 3 years. A local government may rely on such
21 certification in determining compliance.

22 (j) A municipality designating a protected small rental
23 housing area shall do so by ordinance that:

24 (1) identifies the geographic boundaries of the area;

25 and

26 (2) includes a statement of findings demonstrating

1 that the area is experiencing, or is at risk of
2 experiencing, displacement of tenants or loss of a
3 residential structure with 2 to 4 dwelling units. The
4 findings may be based on locally determined criteria,
5 including, but not limited to:

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

8 (B) recent or anticipated redevelopment activity;

9 (C) increases in rents or property values;

10 (D) designation under an Affordable Requirements
11 Ordinance or similar preservation or anti-displacement
12 framework; or

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

17 (65 ILCS 5/11-13.1-55 new)

18 Sec. 11-13.1-55. Associations; prohibitions.
19 Notwithstanding any provision of this Division or other
20 provision of law, the adoption, enforcement, or application of
21 a bylaw or exercise of any power by the governing entity of a
22 homeowners' association, common interest community
23 association, or condominium unit owners' association that has
24 the effect of prohibiting or materially impeding the
25 development of middle housing is expressly prohibited.

1 (65 ILCS 5/11-13.1-60 new)

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

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

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

12 Section 25.The Community Land Trust Home Ownership Act is
13 amended by changing Section 15 and by adding Section 23 as
14 follows:

15 (310 ILCS 130/15)

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

17 "501(c)(3) organization" means a nonprofit organization
18 that is exempt or qualified for exemption from taxation under
19 Section 501(c)(3) of the Internal Revenue Code of 1986.

20 "Authority" means the Illinois Housing Development
21 Authority.

22 "Income-qualified household" means a household meeting the

1 income limits established by the Authority by rule, which may
2 vary by rental or ownership structure, geography, household
3 size, funding source, or program purpose.

4 "Community land trust" means a 501(c)(3) organization
5 governed by a board of community land trusts residents,
6 community residents, and public representatives that provide
7 permanent or long-term affordability and shared equity
8 homeownership opportunities.

9 "Permanently affordable housing" means housing subject to
10 a ground lease, deed restriction, covenant, regulatory
11 agreement, resale restriction, rent restriction, or other
12 legally enforceable affordability mechanism with a term of (i)
13 not less than 99 years or (ii) indefinite duration.

14 "Steward" means to (i) ensure compliance with requirements
15 applicable to a community land trust pursuant to this Act;
16 (ii) adhere to a mission of permanent or long-term
17 affordability; (iii) manage or coordinate the physical
18 property, including operations, maintenance, repairs,
19 reserves, and asset management; and (iv) facilitate access to
20 or provide homeownership or rental resources and support for
21 residents, as applicable, including, but not limited to,
22 financial counseling and foreclosure prevention.

23 (Source: P.A. 104-370, eff. 8-15-25.)

24 (310 ILCS 130/23 new)

25 Sec. 23. Community Land Trust Housing Fund.

1 (a) Subject to appropriation, the Authority shall
2 establish and administer a Community Land Trust Housing Fund
3 to provide grants, forgivable loans, recoverable grants,
4 loans, or other financial assistance to eligible community
5 land trusts for the acquisition, rehabilitation, construction,
6 preservation, and long-term stewardship of permanently
7 affordable housing.

8 (b) Assistance from the Fund may be used for costs
9 associated with creating, preserving, or stewarding
10 permanently affordable housing, including, but not limited to:

11 (1) the acquisition of land, housing, or interests in
12 real property;

13 (2) the rehabilitation, repair, construction, adaptive
14 reuse, or preservation of housing;

15 (3) the predevelopment costs, due diligence, title
16 work, legal services, architectural and engineering
17 services, environmental review, appraisal, and other
18 project planning costs;

19 (4) affordability write-downs, gap financing, or other
20 assistance necessary to reduce rents or sale prices to
21 levels affordable to income-qualified households;

22 (5) homebuyer assistance, including down payment
23 assistance, closing cost assistance, or other assistance
24 necessary to facilitate shared-equity homeownership;

25 (6) stewardship reserves, operating reserves,
26 replacement reserves, compliance monitoring, resale

1 administration, foreclosure prevention, resident support,
2 and other activities necessary to preserve long-term
3 affordability;

4 (7) the increase or improvement of operational and
5 organizational capacity, including hiring personnel,
6 developing structures of governance, and establishing
7 policies and procedures;

8 (8) technical assistance and training; and

9 (9) the acquisition, stabilization, or disposition
10 activities carried out in partnership with land banks,
11 units of local government, or other eligible entities to
12 convert vacant, abandoned, tax-delinquent, distressed, or
13 publicly owned property into permanently affordable
14 housing.

15 (c) Housing assisted under this Section shall require, on
16 a continual basis, occupancy or rental by or resale or
17 transfer to income-qualified households, except as otherwise
18 permitted by administrative rule of the Authority to address
19 foreclosure, inheritance, casualty loss, or other
20 circumstances necessary to preserve the housing and the public
21 investment.

22 (d) The Authority may prioritize projects based on one or
23 more of the following factors if the project:

24 (1) creates or preserves affordable homeownership
25 opportunities;

26 (2) creates or preserves affordable rental housing

1 owned, controlled, or stewarded by a community land trust;

2 (3) preserves small multifamily housing, naturally
3 occurring affordable housing, or housing at risk of loss
4 due to rising costs, vacancy, abandonment, or conversion;

5 (4) makes use of vacant, abandoned, tax-delinquent,
6 distressed, or publicly owned property;

7 (5) serves households at risk of displacement or
8 households facing barriers to homeownership or stable
9 rental housing;

10 (6) leverages other public, private, philanthropic,
11 federal, local, or employer-assisted resources;

12 (7) expands community land trust housing capacity in
13 underserved communities or regions of the State; or

14 (8) provides long-term stewardship sufficient to
15 preserve affordability and resident stability over time.

16 (e) The Authority may adopt rules necessary to implement
17 and administer this Section, including but not limited to
18 application procedures, eligibility criteria, affordability
19 requirements, income limits, underwriting standards, reporting
20 requirements, stewardship standards, and compliance
21 procedures.

22 (f) The Authority may collect fees and charges in
23 connection with its administration of the Fund, including
24 providing technical assistance in the development of
25 permanently affordable housing, and charging and collecting
26 reasonable fees and charges in connection with such

1 assistance.

2 Section 30. The Electric Vehicle Charging Act is amended
3 by changing Section 10 as follows:

4 (765 ILCS 1085/10)

5 Sec. 10. Applicability.

6 (a) For the purposes of Sections 20 and 25, this Act
7 applies to newly constructed single-family homes and
8 multifamily residential buildings, except middle housing
9 developments, that have parking spaces and are constructed
10 after the effective date of this Act. As used in this
11 subsection, "middle housing" has the meaning given in Section
12 11-13.1-5 of the Illinois Municipal Code and the meaning given
13 in Section 5-47005 of the Counties Code, as applicable.

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

18 (c) The provisions of this Act do not apply to any tiny
19 home constructed for veterans who are homeless or at risk of
20 homelessness and in need of secure, long-term affordable
21 housing, if that tiny home is constructed by a nonprofit
22 organization described in Section 501(c)(3) or Section
23 501(c)(19) of the Internal Revenue Code of 1986 that
24 exclusively funds and administers projects and services for

1 veterans. Every county and municipality that has the power to
2 issue building permits and otherwise control the construction
3 of buildings shall require by ordinance that an applicant
4 seeking a building permit to construct tiny homes for at-risk
5 veterans must include with the permit application a completed
6 and signed affidavit stating that all buildings constructed
7 under the permit are designated for the exclusive use of
8 qualifying veterans who are homeless or at risk of
9 homelessness and in need of secure, long-term affordable
10 housing. No county or municipality, including a home rule
11 unit, shall adopt any building code or ordinance that requires
12 EV-capable parking spaces for tiny homes constructed for the
13 purpose of providing affordable housing for at-risk veterans
14 as provided in this subsection. This subsection is a
15 limitation under subsection (i) of Section 6 of Article VII of
16 the Illinois Constitution on the concurrent exercise by home
17 rule units of powers and functions exercised by the State.

18 As used in this subsection:

19 "Tiny home" means an individual, detached residential
20 dwelling unit of no more than 800 square feet, occupying a lot
21 either by itself or sharing a common lot with other tiny homes.

22 "Tiny home" does not include a manufactured home as defined in
23 the Mobile Home Landlord and Tenant Rights Act. "Tiny home"
24 does not include a single unit in a small multifamily
25 residence or a large multifamily residence.

26 "Veteran" means a person who served in and who has

1 received an honorable or general discharge from, the United
2 States Army, Navy, Air Force, Space Force, Marines, Coast
3 Guard, or reserves thereof, or who served in the Army National
4 Guard, Air National Guard, or Illinois National Guard.
5 (Source: P.A. 103-53, eff. 1-1-24; 103-572, eff. 1-1-24;
6 104-341, eff. 8-15-25.)".