**Section 395.308 Reply to the Initial Pleading by Approving Authority**

a) If an appeal is not dismissed before the hearing pursuant to Section 395.307, within 15 Days after the Board's decision to deny the motion to dismiss, the Approving Authority shall file a Reply to the Initial Pleading with the Board and shall provide a copy of the Reply to the Initial Pleading to the Affordable Housing Developer and all other parties. If no motion to dismiss is filed, the Approving Authority shall file a Reply to the Initial Pleading with the Board and shall provide a copy of the Reply to the Initial Pleading to the Affordable Housing Developer and all other parties within 15 Days after the Notice of Appeal.

b) The Reply to the Initial Pleading shall include the following:

1. a statement explaining why the application that is the subject of the appeal was denied or conditions were applied, which may include an appeal of IHDA's determination of the non-exempt status of the Local Government under the Act as set forth in Section 395.401. If the Approving Authority denied an application or imposed conditions because it concluded that the Affordable Housing Developer did not comply with all Non-Appealable Local Government Requirements, the Reply to the Initial Pleading must specify the requirements that justify the denial or the imposition of changes;
2. a record of the vote on the Affordable Housing Developer's application that is the subject of the appeal; and
3. any findings of fact related to the application.

c) The failure to file a Reply to the Initial Pleading shall be deemed a general denial of matters asserted in the Initial Pleading and a waiver of all affirmative defenses.

d) A party may participate in the hearing without forfeiting any jurisdictional objection, if the objection is made within 15 Days after receipt of the Notice of Appeal. Any party may file a response to the objection within 15 Days after service.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)