

SB2304



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2304

Introduced 2/26/2021, by Sen. Ann Gillespie

SYNOPSIS AS INTRODUCED:

35 ILCS 200/15-178 new
310 ILCS 67/25
310 ILCS 67/70 new

Amends the Property Tax Code. Provides for a reduction in assessed value for affordable rental housing construction or rehabilitation. Amends the Affordable Housing Planning and Appeal Act. Provides that an affordable housing plan, or any revision thereof, shall not be adopted by a non-exempt local government until notice and opportunity for public hearing have first been afforded. Makes other changes. Effective immediately.

LRB102 11469 HLH 16803 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by adding
5 Section 15-178 as follows:

6 (35 ILCS 200/15-178 new)

7 Sec. 15-178. Reduction in assessed value for affordable
8 rental housing construction or rehabilitation.

9 (a) Each chief county assessment officer shall implement a
10 special assessment program to reduce the assessed value of all
11 eligible newly constructed residential real property in
12 accordance with subsection (b) for 30 taxable years after the
13 newly constructed residential real property are put in
14 service. Any county with less than 3,000,000 inhabitants may
15 decide not to implement the special assessment defined in this
16 Section upon passage of an ordinance by a majority vote of the
17 county board. Subsequent to a vote to opt-out of this special
18 assessment program, any county with less than 3,000,000
19 inhabitants may decide to implement the special assessment
20 program upon passage of an ordinance by a majority vote of the
21 county board. Property is eligible for the program if and only
22 if all of the following factors have been met:

23 (1) at the conclusion of the new construction, the

1 property consists of a newly-constructed multifamily
2 building containing 7 or more rental dwelling units; and
3 (2) the property meets the application requirements
4 defined in subsection (d).

5 (b) For those counties that are required to implement the
6 special assessment program and do not opt-out of such special
7 assessment program, the chief county assessment officer for
8 that county shall require that residential real property is
9 eligible for the special assessment program if and only if
10 these additional factors have been met: except as defined in
11 subparagraphs (E), (F), and (G) of paragraph (5) of subsection
12 (d) of this Section, prior to the newly constructed
13 residential real property located in a low affordability
14 community being put in service, the owner of the residential
15 real property commits that, for a period of 30 years after the
16 newly constructed residential real property or improvements to
17 existing residential real property are put in service, at
18 least 20% of the multifamily building's units will have rents
19 as defined in this Section that are at or below maximum rents
20 and are occupied by households with household incomes at or
21 below maximum income limits.

22 (c) The amount of the reduction for residential real
23 property meeting the conditions set forth in subsection (b)
24 shall be calculated as follows:

25 (1) for the first, second, and third taxable year
26 after the residential real property or improvements are

1 placed in service, the residential real property is
2 entitled to a reduction in its assessed value in an amount
3 equal to the difference between the assessed value in the
4 year for which the incentive is sought and the assessed
5 value for the residential real property in the base year;

6 (2) for the fourth, fifth, and sixth taxable year
7 after the residential real property or improvements are
8 placed in service, the property is entitled to a reduction
9 in its assessed value in an amount equal to 80% of the
10 difference between the assessed value in the year for
11 which the incentive is sought and the assessed value for
12 the residential real property in the base year;

13 (3) for the seventh, eighth, and ninth taxable year
14 after the property or improvements are placed in service,
15 the residential real property is entitled to a reduction
16 in its assessed value in an amount equal to 60% of the
17 difference between the assessed value in the year for
18 which the incentive is sought and the assessed value for
19 the residential real property in the base year;

20 (4) for the tenth, eleventh, and twelfth taxable year
21 after the residential real property or improvements are
22 placed in service, the residential real property is
23 entitled to a reduction in its assessed value in an amount
24 equal to 40% of the difference between the assessed value
25 in the year for which the incentive is sought and the
26 assessed value for the residential real property in the

1 base year; and

2 (5) for the thirteenth through the thirtieth taxable
3 year after the residential real property or improvements
4 are placed in service, the residential real property is
5 entitled to a reduction in its assessed value in an amount
6 equal to 20% of the difference between the assessed value
7 in the year for which the incentive is sought and the
8 assessed value for the residential real property in the
9 base year.

10 (d) Application requirements.

11 (1) In order to receive the reduced valuation under
12 this Section, the owner must submit an application
13 containing the following information to the chief county
14 assessment officer for review in the form and by the date
15 required by the chief county assessment officer:

16 (A) the owner's name;

17 (B) the postal address and permanent index number
18 or numbers of the parcel or parcels for which the owner
19 is applying to receive reduced valuation under this
20 Section;

21 (C) a deed or other instrument conveying the
22 parcel or parcels to the current owner;

23 (D) written evidence that the new construction or
24 qualifying rehabilitation has been completed with
25 respect to the residential real property, including,
26 but not limited to, copies of building permits, a

1 notarized contractor's sworn affidavit, and
2 photographs of the interior and exterior of the
3 building after new construction or rehabilitation is
4 completed;

5 (E) written evidence that the residential real
6 property meets local building codes, or if there are
7 no local building codes, Housing Quality Standards, as
8 determined by the United States Department of Housing
9 and Urban Development;

10 (F) a list identifying the affordable units in
11 residential real property and a written statement that
12 the affordable units are comparable to the market rate
13 units in terms of unit type, number of bedrooms per
14 unit, quality of exterior appearance, energy
15 efficiency, and overall quality of construction;

16 (G) a written schedule certifying the rents in
17 each affordable unit and a written statement that
18 these rents do not exceed the maximum rents allowable
19 for the area in which the residential real property is
20 located;

21 (H) documentation from the administering agency
22 verifying the owner's participation in a qualifying
23 income-based rental subsidy program as defined in
24 subsection (e) of this Section if units receiving
25 rental subsidies are to be counted among the
26 affordable units in order to meet the thresholds

1 defined in this Section;

2 (I) a written statement identifying the household
3 income for every household occupying an affordable
4 unit and certifying that the household income does not
5 exceed the maximum income limits allowable for the
6 area in which the residential real property is
7 located;

8 (J) a written statement that the owner has
9 verified and retained documentation of household
10 income for every household occupying an affordable
11 unit; and

12 (K) any additional information consistent with
13 this Section as reasonably required by the chief
14 county assessment officer, including, but not limited
15 to, any information necessary to ensure compliance
16 with applicable local ordinances and to ensure the
17 owner is complying with the provisions of subparagraph
18 (F) of paragraph (4) of subsection (d) of this
19 Section.

20 (2) The application requirements contained in
21 paragraph (1) of subsection (d) are continuing
22 requirements for the duration of the benefit received and
23 may be annually or periodically verified by the chief
24 county assessment officer for the county whereby the
25 benefit is being issued. (3) In lieu of submitting an
26 application containing the information proscribed in

1 paragraph (1) of subsection (f), the chief county
2 assessment officer may allow for submission of a
3 substantially similar certification granted by the
4 Illinois Housing Development Authority or a comparable
5 local authority provided that the chief county assessment
6 officer independently verifies the veracity of the
7 certification with the Illinois Housing Development
8 Authority or comparable local authority.

9 (3) The chief county assessment officer shall notify
10 the owner as to whether or not the property meets the
11 requirements of this Section. If the property does not
12 meet the requirements of this Section, the chief county
13 assessment officer shall provide written notice of any
14 deficiencies to the owner, who shall then have 30 days
15 from the date of notification to provide supplemental
16 information showing compliance with this Section. The
17 chief county assessment officer shall, in its discretion,
18 grant additional time to cure any deficiency. If the owner
19 does not exercise this right to cure the deficiency, or if
20 the information submitted, in the sole judgment of the
21 chief county assessment officer, is insufficient to meet
22 the requirements of this Section, the chief county
23 assessment officer shall provide a written explanation of
24 the reasons for denial.

25 (4) The chief county assessment officer may charge a
26 reasonable application fee to offset the administrative

1 expenses associated with the program.

2 (5) The reduced valuation conferred by this Section is
3 limited as follows:

4 (A) The owner is eligible to apply for the reduced
5 valuation conferred by this Section beginning in the
6 first assessment year after the effective date of this
7 amendatory Act of the 102nd General Assembly through
8 December 31, 2030. If approved, the reduction will be
9 effective for the current assessment year, which will
10 be reflected in the tax bill issued in the following
11 calendar year. Owners that are approved for the
12 reduced valuation under this Section before December
13 31, 2029 shall, at minimum, be eligible for annual
14 renewal of the reduced valuation during an initial
15 10-year period if annual certification requirements
16 are met for each of the 10 years, as described in
17 subparagraph (B) of paragraph (4) of subsection (d) of
18 this Section until December 31, 2039.

19 (B) Property receiving a reduction outlined in
20 paragraph (1) of subsection (c) of this Section shall
21 continue to be eligible for an initial period of up to
22 10 years if annual certification requirements are met
23 for each of the 10 years, but shall be extended for up
24 to 2 additional 10-year periods with annual renewals
25 if the owner continues to meet the requirements of
26 this Section, including annual certifications, and

1 excluding the requirements regarding new construction
2 or qualifying rehabilitation defined in subparagraph
3 (D) of paragraph (1) of this subsection.

4 (C) The annual certification materials in the year
5 prior to final year of eligibility for the reduction
6 in assessed value must include a dated copy of the
7 written notice provided to tenants informing them of
8 the date of the termination if the owner is not seeking
9 a renewal.

10 (D) If the property is sold or transferred, the
11 purchaser or transferee must comply with all
12 requirements of this Section, excluding the
13 requirements regarding new construction or qualifying
14 rehabilitation defined in subparagraph (D) of
15 paragraph (1) of this subsection, in order to continue
16 receiving the reduction in assessed value. Purchasers
17 and transferees who comply with all requirements of
18 this Section excluding the requirements regarding new
19 construction or qualifying rehabilitation defined in
20 subparagraph (D) of paragraph (1) of this subsection
21 are eligible to apply for renewal on the schedule set
22 by the initial application.

23 (E) The owner may apply for the reduced valuation
24 if the residential real property meets all
25 requirements of this Section and the newly-constructed
26 residential real property or improvements to existing

1 residential real property were put in service on or
2 after January 1, 2015. However, the initial 10-year
3 eligibility period shall be reduced by the number of
4 years between the placed in service date and the date
5 the owner first receives this reduced valuation.

6 (F) The owner may apply for the reduced valuation
7 within 2 years after the newly-constructed residential
8 real property or improvements to existing residential
9 real property are put in service. However, the initial
10 10 year eligibility period shall be reduced for the
11 number of years between the placed in service date and
12 the date the owner first receives this reduced
13 valuation.

14 (G) Owners of a multifamily building receiving a
15 reduced valuation through the Cook County Class 9
16 program during the year in which this amendatory Act
17 of the 102nd General Assembly takes effect shall be
18 deemed automatically eligible for the reduced
19 valuation defined in this Section in terms of meeting
20 the criteria for new construction or substantial
21 rehabilitation for a specific multifamily building
22 regardless of when the newly-constructed residential
23 real property or improvements to existing residential
24 real property were put in service. If a Cook County
25 Class 9 owner had Class 9 status revoked on or after
26 January 1, 2017 but can provide documents sufficient

1 to prove that the revocation was in error or any
2 deficiencies leading to the revocation have been
3 cured, the chief county assessment officer may deem
4 the owner to be eligible. However, owners may not
5 receive both the reduced valuation under this Section
6 and the reduced valuation under the Cook County Class
7 9 program in any single assessment year. In addition,
8 the number of years during which an owner has
9 participated in the Class 9 program shall count
10 against the 3 10-year periods of eligibility for the
11 reduced valuation as defined in subparagraph (1) of
12 subsection (c) of this Section.

13 (H) At the completion of the assessment reduction
14 period described in this Section, the entire parcel
15 will be assessed as otherwise provided by law.

16 (e) For the purposes of this Section:

17 "Affordable units" means units that have rents that do not
18 exceed the maximum rents as defined in this Section.

19 "Household income" includes the annual income for all the
20 people who occupy a housing unit that is anticipated to be
21 received from a source outside of the family during the
22 12-month period following admission or the annual
23 recertification, including related family members and all the
24 unrelated people who share the housing unit. Household income
25 includes the sum total of the following income sources: wages,
26 salaries and tips before any payroll deductions; net business

1 income; interest and dividends; payments in lieu of earnings,
2 such as unemployment and disability compensation, worker's
3 compensation and severance pay; Social Security income,
4 including lump sum payments; payments from insurance policies,
5 annuities, pensions, disability benefits and other types of
6 periodic payments, alimony, child support, and other regular
7 monetary contributions; and public assistance, except for
8 assistance from the Supplemental Nutrition Assistance Program
9 (SNAP). "Household income" does not include: earnings of
10 children under age 18; temporary income such as cash gifts;
11 reimbursement for medical expenses; lump sums from
12 inheritance, insurance payments, settlements for personal or
13 property losses; student financial assistance paid directly to
14 the student or to an educational institution; foster child
15 care payments; receipts from government-funded training
16 programs; assistance from the Supplemental Nutrition
17 Assistance Program (SNAP).

18 "Low affordability community" means (1) a municipality or
19 jurisdiction in which 40% or less of its total year-round
20 housing units are affordable, as determined by the Illinois
21 Housing Development Authority during the exemption
22 determination process under the Affordable Housing Planning
23 and Appeal Act; or (2) a jurisdiction located in a
24 municipality with 1,000,000 or more inhabitants that has been
25 designated as a low affordability community by passage of a
26 local ordinance by that municipality, specifying the census

1 tract or property by permanent index number or numbers.

2 "Maximum income limits" means the maximum regular income
3 limits for 60% of area median income for the geographic area in
4 which the multifamily building is located for multifamily
5 programs as determined by the United States Department of
6 Housing and Urban Development and published annually by the
7 Illinois Housing Development Authority.

8 "Maximum rent" means the maximum regular rent for 60% of
9 the area median income for the geographic area in which the
10 multifamily building is located for multifamily programs as
11 determined by the United States Department of Housing and
12 Urban Development and published annually by the Illinois
13 Housing Development Authority. To be eligible for the reduced
14 valuation defined in this Section, maximum rents are to be
15 consistent with the Illinois Housing Development Authority's
16 rules; or if the owner is leasing an affordable unit to a
17 household with an income at or below the maximum income limit
18 who is participating in qualifying income-based rental subsidy
19 program, "maximum rent" means the maximum rents allowable
20 under the guidelines of the qualifying income-based rental
21 subsidy program.

22 "Qualifying income-based rental subsidy program" means a
23 Housing Choice Voucher issued by a housing authority under
24 Section 8 of the United States Housing Act of 1937, a tenant
25 voucher converted to a project-based voucher by a housing
26 authority or any other program administered or funded by a

1 housing authority, the Illinois Housing Development Authority,
2 another State agency, a federal agency, or a unit of local
3 government where participation is limited to households with
4 incomes at or below the maximum income limits as defined in
5 this Section and the tenants' portion of the rent payment is
6 based on a percentage of their income or a flat amount that
7 does not exceed the maximum rent as defined in this Section.

8 "Qualifying rehabilitation" means, at a minimum,
9 compliance with local building codes and the replacement or
10 renovation of at least 2 primary building systems to be
11 approved for the reduced valuation under paragraph (1) of
12 subsection (c) of this Section and at least 5 primary building
13 systems to be approved for the reduced valuation under
14 paragraph (2) of subsection (c) of this Section. Although the
15 cost of each primary building system may vary, to be approved
16 for the reduced valuation under paragraph (1) of subsection
17 (c) of this Section, the combined expenditure for making the
18 building compliant with local codes and replacing primary
19 building systems must be at least \$8 per square foot for work
20 completed between January 1 of the year in which this
21 amendatory Act of the 102nd General Assembly takes effect and
22 December 31 of the year in which this amendatory Act of the
23 102nd General Assembly takes effect and, in subsequent years,
24 \$8 adjusted by the Consumer Price Index for All Urban
25 Consumers, as published annually by the U.S. Department of
26 Labor. To be approved for the reduced valuation under

1 paragraph (2) of subsection (c) of this Section, the combined
2 expenditure for making the building compliant with local codes
3 and replacing primary building systems must be at least \$60
4 per square foot for work completed between January 1 of the
5 year that this amendatory Act of the 102nd General Assembly
6 becomes effective and December 31 of the year that this
7 amendatory Act of the 102nd General Assembly becomes effective
8 and, in subsequent years, \$60 adjusted by the Consumer Price
9 Index for All Urban Consumers, as published annually by the
10 U.S. Department of Labor. "Primary building systems", together
11 with their related rehabilitations, specifically approved for
12 this program are:

13 (1) Electrical. All electrical work must comply with
14 applicable codes; it may consist of a combination of any
15 of the following alternatives:

16 (A) installing individual equipment and appliance
17 branch circuits as required by code (the minimum being
18 a kitchen appliance branch circuit);

19 (B) installing a new emergency service, including
20 emergency lighting with all associated conduits and
21 wiring;

22 (C) rewiring all existing feeder conduits ("home
23 runs") from the main switchgear to apartment area
24 distribution panels;

25 (D) installing new in-wall conduits for
26 receptacles, switches, appliances, equipment, and

1 fixtures;

2 (E) replacing power wiring for receptacles,
3 switches, appliances, equipment, and fixtures;

4 (F) installing new light fixtures throughout the
5 building including closets and central areas;

6 (G) replacing, adding, or doing work as necessary
7 to bring all receptacles, switches, and other
8 electrical devices into code compliance;

9 (H) installing a new main service, including
10 conduit, cables into the building, and main disconnect
11 switch; and

12 (I) installing new distribution panels, including
13 all panel wiring, terminals, circuit breakers, and all
14 other panel devices.

15 (2) Heating. All heating work must comply with
16 applicable codes; it may consist of a combination of any
17 of the following alternatives:

18 (A) installing a new system to replace one of the
19 following heat distribution systems:

20 (i) piping and heat radiating units, including
21 new main line venting and radiator venting; or

22 (ii) duct work, diffusers, and cold air
23 returns; or

24 (iii) any other type of existing heat
25 distribution and radiation/diffusion components;

26 or

1 (B) installing a new system to replace one of the
2 following heat generating units:

3 (i) hot water/steam boiler;

4 (ii) gas furnace; or

5 (iii) any other type of existing heat
6 generating unit.

7 (3) Plumbing. All plumbing work must comply with
8 applicable codes. Replace all or a part of the in-wall
9 supply and waste plumbing; however, main supply risers,
10 waste stacks and vents, and code-conforming waste lines
11 need not be replaced.

12 (4) Roofing. All roofing work must comply with
13 applicable codes; it may consist of either of the
14 following alternatives, separately or in combination:

15 (A) replacing all rotted roof decks and
16 insulation; or

17 (B) replacing or repairing leaking roof membranes
18 (10% is the suggested minimum replacement of
19 membrane); restoration of the entire roof is an
20 acceptable substitute for membrane replacement.

21 (5) Exterior doors and windows. Replace the exterior
22 doors and windows. Renovation of ornate entry doors is an
23 acceptable substitute for replacement.

24 (6) Floors, walls, and ceilings. Finishes must be
25 replaced or covered over with new material. Acceptable
26 replacement or covering materials are as follows:

1 (A) floors must have new carpeting, vinyl tile,
2 ceramic, refurbished wood finish, or a similar
3 substitute;

4 (B) walls must have new drywall, including joint
5 taping and painting; or

6 (C) new ceilings must be either drywall, suspended
7 type, or a similar

8 (7) Exterior walls.

9 (A) replace loose or crumbling mortar and masonry
10 with new material;

11 (B) replace or paint wall siding and trim as
12 needed;

13 (C) bring porches and balconies to a sound
14 condition; or

15 (D) any combination of (A), (B), and (C).

16 (8) Elevators. Where applicable, at least 4 of the
17 following 7 alternatives must be accomplished:

18 (A) replace or rebuild the machine room controls
19 and refurbish the elevator machine (or equivalent
20 mechanisms in the case of hydraulic elevators);

21 (B) replace hoistway electro-mechanical items
22 including: ropes, switches, limits, buffers, levelers,
23 and deflector sheaves (or equivalent mechanisms in the
24 case of hydraulic elevators);

25 (C) replace hoistway wiring;

26 (D) replace door operators and linkage;

- 1 (E) replace door panels at each opening;
2 (F) replace hall stations, car stations, and
3 signal fixtures; or
4 (G) rebuild the car shell and refinish the
5 interior.
- 6 (9) Health and safety.
- 7 (A) install or replace fire suppression systems;
8 (B) install or replace security systems; or
9 (C) environmental remediation of lead-based paint,
10 asbestos, leaking underground storage tanks, or radon.
- 11 (10) Energy conservation improvements undertaken to
12 limit the amount of solar energy absorbed by a building's
13 roof or to reduce energy use for the property, including,
14 but not limited to, any of the following activities:
- 15 (A) installing or replacing reflective roof
16 coatings (flat roofs);
- 17 (B) installing or replacing R-49 roof insulation;
18 (C) installing or replacing R-19 perimeter wall
19 insulation;
- 20 (D) installing or replacing insulated entry doors;
21 (E) installing or replacing Low E, insulated
22 windows;
- 23 (F) installing or replacing WaterSense-labeled
24 plumbing fixtures;
- 25 (G) installing or replacing 90% or better sealed
26 combustion heating systems;

1 (H) installing Energy Star hot water heaters;

2 (I) installing or replacing mechanical ventilation

3 to exterior for kitchens and baths;

4 (J) installing or replacing Energy Star

5 appliances;

6 (K) installing or replacing Energy Star certified

7 lighting in common areas; or

8 (L) installing or replacing grading and

9 landscaping to promote on-site water retention if the

10 retained water is used to replace water that is

11 provided from a municipal source.

12 (11) Accessibility improvements. All accessibility

13 improvements must comply with applicable codes. An owner

14 may make accessibility improvements to residential real

15 property to increase access for people with disabilities.

16 As used in this paragraph (11), "disability" has the

17 meaning given to that term in the Illinois Human Rights

18 Act. As used in this paragraph (11), "accessibility

19 improvements" means a home modification listed under the

20 Home Services Program administered by the Department of

21 Human Services (Part 686 of Title 89 of the Illinois

22 Administrative Code) including, but not limited to:

23 installation of ramps, grab bars, or wheelchair lifts;

24 widening doorways or hallways; re-configuring rooms and

25 closets; and any other changes to enhance the independence

26 of people with disabilities.

1 (12) Any applicant who has purchased the property in
2 an arm's length transaction not more than 90 days before
3 applying for this reduced valuation may use the cost of
4 rehabilitation or repairs required by documented code
5 violations, up to a maximum of \$2 per square foot, to meet
6 the qualifying rehabilitation requirements.

7 Section 10. The Affordable Housing Planning and Appeal Act
8 is amended by changing Section 25 and by adding Section 70 as
9 follows:

10 (310 ILCS 67/25)

11 Sec. 25. Affordable housing plan.

12 (a) Prior to April 1, 2005, all non-exempt local
13 governments must approve an affordable housing plan. Any local
14 government that is determined by the Illinois Housing
15 Development Authority under Section 20 to be non-exempt for
16 the first time based on the recalculation of U.S. Census
17 Bureau data after 2010 shall have 18 months from the date of
18 notification of its non-exempt status to approve an affordable
19 housing plan under this Act. On and after the effective date of
20 this amendatory Act of the 102nd General Assembly, an
21 affordable housing plan, or any revision thereof, shall not be
22 adopted by a non-exempt local government until notice and
23 opportunity for public hearing have first been afforded.

24 (b) For the purposes of this Act, the affordable housing

1 plan shall consist of at least the following:

2 (i) a statement of the total number of affordable
3 housing units that are necessary to exempt the local
4 government from the operation of this Act as defined in
5 Section 15 and Section 20;

6 (ii) an identification of lands within the
7 jurisdiction that are most appropriate for the
8 construction of affordable housing and of existing
9 structures most appropriate for conversion to, or
10 rehabilitation for, affordable housing, including a
11 consideration of lands and structures of developers who
12 have expressed a commitment to provide affordable housing
13 and lands and structures that are publicly or
14 semi-publicly owned;

15 (iii) incentives that local governments may provide
16 for the purpose of attracting affordable housing to their
17 jurisdiction; and

18 (iv) a goal of a minimum of 15% of all new development
19 or redevelopment within the local government that would be
20 defined as affordable housing in this Act; or a minimum of
21 a 3 percentage point increase in the overall percentage of
22 affordable housing within its jurisdiction, as described
23 in subsection (b) of Section 20 of this Act; or a minimum
24 of a total of 10% affordable housing within its
25 jurisdiction as described in subsection (b) of Section 20
26 of this Act. These goals may be met, in whole or in part,

1 through the creation of affordable housing units under
2 intergovernmental agreements as described in subsection
3 (e) of this Section.

4 (c) Within 60 days after the adoption of an affordable
5 housing plan or revisions to its affordable housing plan, the
6 local government must submit a copy of that plan to the
7 Illinois Housing Development Authority.

8 (d) In order to promote the goals of this Act and to
9 maximize the creation, establishment, or preservation of
10 affordable housing throughout the State of Illinois, a local
11 government, whether exempt or non-exempt under this Act, may
12 adopt the following measures to address the need for
13 affordable housing:

14 (1) Local governments may individually or jointly
15 create or participate in a housing trust fund or otherwise
16 provide funding or support for the purpose of supporting
17 affordable housing, including, without limitation, to
18 support the following affordable housing activities:

19 (A) Housing production, including, without
20 limitation, new construction, rehabilitation, and
21 adaptive re-use.

22 (B) Acquisition, including, without limitation,
23 land, single-family homes, multi-unit buildings, and
24 other existing structures that may be used in whole or
25 in part for residential use.

26 (C) Rental payment assistance.

- 1 (D) Home-ownership purchase assistance.
- 2 (E) Preservation of existing affordable housing.
- 3 (F) Weatherization.
- 4 (G) Emergency repairs.
- 5 (H) Housing related support services, including
- 6 homeownership education and financial counseling.
- 7 (I) Grants or loans to not-for-profit
- 8 organizations engaged in addressing the affordable
- 9 housing needs of low-income and moderate-income
- 10 households.

11 Local governments may authorize housing trust funds to

12 accept and utilize funds, property, and other resources

13 from all proper and lawful public and private sources so

14 long as those funds are used solely for addressing the

15 affordable housing needs of individuals or households that

16 may occupy low-income or moderate-income housing.

17 (2) A local government may create a community land

18 trust, which may: acquire developed or undeveloped

19 interests in real property and hold them for affordable

20 housing purposes; convey such interests under long-term

21 leases, including ground leases; convey such interests for

22 affordable housing purposes; and retain an option to

23 reacquire any such real property interests at a price

24 determined by a formula ensuring that such interests may

25 be utilized for affordable housing purposes.

26 (3) A local government may use its zoning powers to

1 require the creation and preservation of affordable
2 housing as authorized under Section 5-12001 of the
3 Counties Code and Section 11-13-1 of the Illinois
4 Municipal Code.

5 (4) A local government may accept donations of money
6 or land for the purpose of addressing the affordable
7 housing needs of individuals or households that may occupy
8 low-income or moderate-income housing. These donations may
9 include, without limitation, donations of money or land
10 from persons, as long as the donations are demonstrably
11 used to preserve, create, or subsidize low-income housing
12 or moderate-income housing within the jurisdiction in lieu
13 ~~of building affordable housing.~~

14 (e) In order to encourage regional cooperation and the
15 maximum creation of affordable housing in areas lacking such
16 housing in the State of Illinois, any non-exempt local
17 government may enter into intergovernmental agreements under
18 subsection (e) of Section 25 with local governments within 10
19 miles of its corporate boundaries in order to create
20 affordable housing units to meet the goals of this Act. A
21 non-exempt local government may not enter into an
22 intergovernmental agreement, however, with any local
23 government that contains more than 25% affordable housing as
24 determined under Section 20 of this Act. All intergovernmental
25 agreements entered into to create affordable housing units to
26 meet the goals of this Act must also specify the basis for

1 determining how many of the affordable housing units created
2 will be credited to each local government participating in the
3 agreement for purposes of complying with this Act. All
4 intergovernmental agreements entered into to create affordable
5 housing units to meet the goals of this Act must also specify
6 the anticipated number of newly created affordable housing
7 units that are to be credited to each local government
8 participating in the agreement for purposes of complying with
9 this Act. In specifying how many affordable housing units will
10 be credited to each local government, the same affordable
11 housing unit may not be counted by more than one local
12 government.

13 (f) To enforce compliance with the provisions of this
14 Section, and to encourage local governments to submit their
15 affordable housing plans to the Illinois Housing Development
16 Authority in a timely manner, the Illinois Housing Development
17 Authority shall notify any local government and may notify the
18 Office of the Attorney General that the local government is in
19 violation of State law if the Illinois Housing Development
20 Authority finds that the affordable housing plan submitted is
21 not in substantial compliance with this Section or that the
22 local government failed to submit an affordable housing plan.
23 The Attorney General may enforce this provision of the Act by
24 an action for mandamus or injunction or by means of other
25 appropriate relief.

26 (Source: P.A. 98-287, eff. 8-9-13.)

1 (310 ILCS 67/70 new)

2 Sec. 70. Home rule application. Unless otherwise provided
3 under this Act or otherwise in accordance with State law, a
4 unit of local government, including a home rule unit, or any
5 non-home rule county within the unincorporated territory of
6 the county, may not regulate the activities described in this
7 Act in a manner more restrictive than the regulation of those
8 activities by the State under this Act. This Section is a
9 limitation under subsection (i) of Section 6 of Article VII of
10 the Illinois Constitution on the concurrent exercise by home
11 rule units of powers and functions exercised by the State.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.