

LEGISLATIVE ACTION CENTER

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BPI 2004 State Legislative Agenda

BPI works to promote state policies that address resources for and barriers to affordable housing development. On the state level, BPI has helped to build a diverse constituency including developers, mayors, housing advocates, unions, and community groups to advocate for the passage of legislation to stimulate the production of affordable housing in job-rich areas of the region that lack it. BPI focused efforts on two pieces of legislation during the 2004 legislative session:

SB 2724: An Amendment to the Affordable Housing Planning and Appeal Act offers some technical clean-ups that will ensure the law can be implemented efficiently and effectively. The legislation, signed into law this summer, makes it easier for IHDA to collect required data and offers non-exempt communities more time to complete their affordable housing plans. SB 2724 makes three changes to the existing law:

- 1. Extend the Deadline to Complete and Approve an Affordable Housing Plan**
The current law requires all non-exempt local governments to approve an affordable housing plan by July 2004. This change would give local governments until April 1, 2005 to complete and approve their plans.
- 2. Empower IHDA to Publish the List of Non-Exempt Communities and Notify Communities This Year**
The law currently instructs IHDA to calculate and publish a list of non-exempt communities beginning January 1, 2006. This clarification would empower IHDA to calculate and publish the list beginning October 1, 2004. The law would also be clarified to ensure that IHDA officially notifies non-exempt communities of their status. IHDA released the list of 49 non-exempt communities in August 2004. [Click here to see the list.](#)
- 3. Clarify the Definitions of "Low-Income" and "Moderate-Income" Housing**
Currently, the statute defines low- and moderate-income housing as housing that is affordable to households earning 50% (low-income) and 80% (moderate-income) of the median gross household income for households of the same size in the county. Unfortunately, the U.S. Department of Housing and Urban Development (HUD), for the most part, does not publish median gross household income data by household size at the county level if the county is located within a primary metropolitan statistical area (PMSA) or metropolitan statistical area (MSA). This change resolves this potential data collection problem for IHDA by clarifying that IHDA can use data produced by HUD each year to determine if a development contains 20% affordable housing. [Click here to see a fact sheet on SB 2724](#)

HB 4100: The Rental Housing Support Program creates a state-funded rental assistance program with a dedicated funding stream. Under this proposal, the Illinois Housing Development Authority (IHDA) would offer grants to local administering agencies or to developers of affordable housing. Recipients of the grants would provide rental subsidies directly to qualifying landlords who, in turn, would charge affordable rents to low-income tenants earning less than 30% of the area median income. A \$10 state fee for the recordation of any real estate related document filed with the local county recorder of deeds office would provide a dedicated funding stream for the program. [Click here to see a fact sheet on HB 4100.](#)

[Click here to see a fact sheet on SB 2724](#)

Other Important Bills

- **HB 4439: The Source of Income Amendment to the Illinois Human Rights Act** amends the Illinois Human Rights Act to add protection for individuals from discrimination based on their lawful source of income. The legislation would protect senior citizens, persons with disabilities, and families from discrimination by landlords who categorically refuse to rent to them because of their source of income, including Housing Choice Vouchers, SSI, SSD, and TANF. [Click here to see a fact sheet on HB 4439.](#)
- **SB 2988: The Residential Tenants' Right to Repair Act** would allow tenants to make certain repairs and deduct the cost from the rent if a landlord refuses to make the required repair. Once a tenant notifies a landlord in writing, a landlord would have 14 days to make the repair before the tenant could move forward. This legislation only applies to repairs that are required by code, lease, or other law. Repairs must cost less than \$500 or half of one month's rent, whichever is less. This legislation would not apply to damage caused by the tenant. SB 2988 passed out of the senate and has moved to the house. [Click here to see a fact sheet on SB 2988.](#)
- **SB 2329: The Federally Assisted Housing Preservation Act** requires owners of subsidized housing to give 12 months notice of intent to sell the property (instead of the current 6 months notice) and would permit tenants to form an association that could enter into an agreement with a non-profit corporation or private developer to purchase and preserve the housing as affordable. If the tenant association does not choose a purchaser or the purchaser cannot meet a set timeline, the owner can sell the building or terminate the subsidies as governed by existing state and federal law. SB 2329 passed out of the senate and has moved to the house. [Click here to see a fact sheet on SB 2329.](#)

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