HB5626

LRB10420877RTM34540b

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5626

Introduced 2/19/2026, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Municipal Code. Provides that, 8 months after the effective date of the amendatory Act, a municipality shall, on any lot located in a residential zoning district that permits single-family dwellings, allow (1) on an area of not more than 2,500 square feet, at least one detached single-family dwelling unit; (2) on any lot with an area of more than 2,500 square feet and not more than 5,000 square feet, up to 4 dwelling units; (3) on any lot with an area of more than 5,000 square feet and not more than 7,500 square feet, up to 6 dwelling units; and (4) on any lot with an area of more than 7,500 square feet, up to 8 dwelling units, including cottage clusters. Provides that each municipality shall permit accessory dwelling units in all zoning districts that permit single-family dwellings without additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond those required for single-family dwelling units without an accessory dwelling unit. Provides that, if a municipality fails to complete its plan review within the deadlines established under the provisions, then the applicant may retain a qualified third-party plan reviewer. Provides that, if a municipality fails to conduct a required inspection within 2 business days, then the applicant may retain a qualified third-party inspector. Provides that municipalities authorized to levy impact fees must calculate fees using the statewide formula structure issued by the Department of Commerce and Economic Opportunity. Provides that, beginning January 1, 2027, the corporate authorities of a municipality shall not establish minimum automobile parking requirements for (A) residential dwellings of less than 1,500 square feet; (B) affordable housing projects under the Illinois Affordable Housing Act; (C) assisted living establishments; (D) ground level nonresidential spaces in mixed-use buildings; or (E) buildings undergoing a change of use from nonresidential to residential. Amends the Counties Code. Provides that, beginning January 1, 2027, no building code adopted by a county or municipality may prohibit residential buildings from having a single stairway serving as an exit for all units if the building satisfies specified requirements. Limits home rule powers. Makes other changes.

A BILL FOR

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by adding Section 5-1063.3 as follows:

(55 ILCS 5/5-1063.3 new)

Sec. 5-1063.3. Building codes; stairs.

(a) As used in this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the county.

(b) Beginning January 1, 2027, no building code adopted by a county may prohibit residential buildings from having a single stairway serving as an exit for all units if the building:

(1) has not more than 6 stories above grade plane;

(2) is equipped with an automatic sprinkler system in the interior exit stairway;

(3) has all dwelling unit doors serving as an exit equipped with self-closing devices;

(4) is equipped with smoke detection throughout all common areas and individual dwelling units;

(5) has at least one emergency escape and rescue

opening for each individual dwelling unit; and

(6) has not more than 4 individual dwelling units on a floor.

(c) A home rule unit may not regulate buildings in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 10. The Illinois Municipal Code is amended by adding Sections 1-2-3.2, Division 12.2, 11-13-30, 11-13-31, Division 13.1, and Division 31.2 as follows:

(65 ILCS 5/1-2-3.2 new)

Sec. 1-2-3.2. Building codes; stairs.

(a) As used in this Section, "building code" means any ordinance, resolution, law, housing or building code, or zoning ordinance that establishes construction related activities applicable to structures in the municipality.

(b) Beginning January 1, 2027, no building code adopted by a municipality may prohibit residential buildings from having a single stairway serving as an exit for all units if the building:

(1) has not more than 6 stories above grade plane;

(2) is equipped with an automatic sprinkler system in the interior exit stairway;

(3) has all dwelling unit doors serving as an exit equipped with self-closing devices;

(4) is equipped with smoke detection throughout all common areas and individual dwelling units;

(5) has at least one emergency escape and rescue opening for each individual dwelling unit; and

(6) has not more than 4 individual dwelling units on a floor.

(c) A home rule municipality may not regulate buildings in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/Art. 11 Div. 12.2 heading new)

DIVISION 12.2. IMPACT MITIGATION FEES

(65 ILCS 5/11-12.2-1 new)

Sec. 11-12.2-1. Legislative findings and purpose.

(a) The General Assembly finds that:

(1) Illinois communities require predictable, evidence-based standards to ensure that new development contributes fairly to public services, infrastructure, schools, parks, and other essential facilities.

(2) Existing State laws authorize land dedication or fees instead of land dedication but lack uniform,

transparent formulas that reflect the true impacts of residential development.

(3) The absence of standardized methodologies results in inconsistent practices, prolonged negotiations, and uncertainty for developers and units of local governments.

(4) Establishing statewide formulas for calculating impact mitigation fees will create fairness, increase certainty, and streamline housing production statewide.

(b) The purpose of this Division is to ensure that impact fees imposed by municipalities in this State are predictable, proportionate, transparent, and supportive of housing production, including missing middle housing. This Act establishes statewide model impact-fee formulas and demographic multipliers and requires municipal use of these formulas when imposing impact fees on residential development.

(65 ILCS 5/11-12.2-5 new)

Sec. 11-12.2-5. Definitions. As used in this Division:

"Residential development" means construction, conversion, or placement of new housing units, including single-family homes, multifamily dwellings, and middle housing.

"Standardized impact mitigation fee" means a fee calculated using the formulas established under this Division to mitigate the measurable impacts of residential development.

(65 ILCS 5/11-12.2-10 new)

Sec. 11-12.2-10. Applicability.

(a) The formulas established in this Division apply only to municipalities authorized to levy impact fees.

(b) Municipalities may not impose impact fees based on any methodology other than the formulas in this Division, unless expressly allowed in Section 11-12.2-40.

(c) Municipalities may adopt fees lower than the formula-derived levels but may not exceed formula-based maximums.

(d) Nothing in this Division confers new authority upon non-home rule municipalities.

(65 ILCS 5/11-12.2-15 new)

Sec. 11-12.2-15. Mandatory statewide formulas.

(a) Municipalities authorized to levy impact fees must calculate fees using the statewide formula structure issued by the Department of Commerce and Economic Opportunity, which shall cover:

(1) school impact mitigation;

(2) parks and open space;

(3) transportation;

(4) public safety; and

(5) stormwater and other public facilities.

(b) The formulas shall incorporate the State-issued components under Section 11-12.2-20, including:

(1) standardized demand multipliers;

(2) baseline capital cost tables;

(3) model worksheets and formula templates;

(4) allowable adjustment factors; and

(5) model ordinance requirements.

(c) Municipalities must use the State-issued model worksheet or digital calculator to generate their fee schedules. No alternative calculation method may be used.

(d) Middle housing must receive fee adjustments based on State-established multipliers that reflect lower average household size and lower per-unit service demand.

(65 ILCS 5/11-12.2-20 new)

Sec. 11-12.2-20. State-issued formula components. The Department of Commerce and Economic Opportunity shall issue, update annually, and make publicly available the following mandatory information to be used in the calculation of standardized impact mitigation fees:

(1) Multipliers estimating service demand by housing type, including, but not limited to:

(A) student-generation rates;

(B) household population multipliers;

(C) peak-hour trip generation;

(D) public safety service load factors; and

(E) stormwater or utility demand coefficients.

The multipliers under this paragraph replace all municipal multipliers unless the Department of Commerce

and Economic Opportunity authorizes a documented variation.

(2) Statewide per-capita or per-unit capital cost estimates for schools, parks, transportation, public safety, and stormwater facilities. The Department of Commerce and Economic Opportunity shall define permissible deviations, including allowable ranges for:

(A) land acquisition costs;

(B) construction and capital costs; and

(C) capacity expansion costs.

(3) The Department of Commerce and Economic Opportunity must provide downloadable spreadsheets or web-based calculators embedding all formulas, multipliers, and cost tables. Municipalities authorized to levy impact fees must use these worksheets to produce their fee schedules. Worksheets must automatically generate a public-facing fee schedule for municipal adoption.

(4) The Department of Commerce and Economic Opportunity shall issue statewide adjustment factors permitting controlled variation, including:

(A) land-value cost adjustments within State-defined bands;

(B) infill or redevelopment discount factors;

(C) documented higher-cost construction market adjustments; and

(D) middle-housing elasticity adjustments.

Adjustment factors under this paragraph may not exceed State-defined maximums or minimums.

(5) The Department of Commerce and Economic Opportunity shall issue a model impact fee ordinance that municipalities authorized to levy impact fees must adopt verbatim or with only technical deviations. The model ordinance must include:

(A) definitions;

(B) applicability;

(C) formula structure;

(D) exemptions;

(E) reporting;

(F) annual fee recalibration process; and

(G) appeal procedures conforming to constitutional nexus standards.

(65 ILCS 5/11-12.2-30 new)

Sec. 11-12.2-30. Public fee schedule.

(a) Each municipality authorized to levy impact fees must, before imposing any fee, publish a schedule identifying:

(1) the formula-generated maximum fee per unit type;

(2) the State-issued multipliers and assumptions used;

(3) any allowable municipal adjustment factors applied; and

(4) any municipal reductions adopted.

(b) Only fees produced through the State worksheet may be

imposed.

(65 ILCS 5/11-12.2-40 new)

Sec. 11-12.2-40. Interaction with land dedication requirements.

(a) If the laws of this State authorize land dedication or fees instead of land dedication, then a standardized impact mitigation fee is a fee instead of land dedication unless a municipal ordinance expressly requires both a fee and land dedication.

(b) A pre-existing land dedication requirement may continue only if:

(1) it existed prior to the effective date of this amendatory Act of the 104th General Assembly; and

(2) a formula-based cash alternative using the State worksheets is available.

(c) Any land dedication requirement without a cash alternative is superseded.

(65 ILCS 5/11-12.2-45 new)

Sec. 11-12.2-45. Exemptions and reductions.

(a) Mandatory exemptions shall include:

(1) units affordable to households equals 60% AMI;

(2) permanent supportive housing;

(3) transitional housing; and

(4) accessory dwelling units.

(b) Municipalities may grant additional reductions for:

(1) middle housing;

(2) transit-oriented development;

(3) redevelopment of vacant, underutilized, or brownfield parcels; and

(4) a building undergoing a change of use from a nonresidential to a residential use.

(65 ILCS 5/11-12.2-50 new)

Sec. 11-12.2-50. Report requirements.

(a) Municipalities authorized to levy impact fees must annually report to the Department of Commerce and Economic Opportunity:

(1) fees collected;

(2) fund expenditures;

(3) fund balances;

(4) number and type of housing units approved; and

(5) any use of adjustment factors.

(b) The Department of Commerce and Economic Opportunity shall publish online the reports that municipalities submit under subsection (a).

(65 ILCS 5/11-12.2-55 new)

Sec. 11-12.2-55. Rulemaking.

(a) The Department of Commerce and Economic Opportunity shall adopt rules necessary to implement this Division,

including:

(1) formula methodologies;

(2) multipliers;

(3) capital cost tables;

(4) allowable adjustment ranges;

(5) worksheets and calculators; and

(6) model ordinances.

(b) The Department of Commerce and Economic Opportunity shall update multipliers, capital cost tables, and worksheets no less frequently than once every 12 months.

(65 ILCS 5/11-12.2-60 new)

Sec. 11-12.2-60. Implementation and transition.

(a) The Department of Commerce and Economic Opportunity shall adopt initial formulas, multipliers, worksheets, and the model ordinance required under this Division no later than 18 months after the effective date of this amendatory Act of the 104th General Assembly.

(b) A municipality authorized to levy impact fees shall adopt the model ordinance and fee schedule consistent with this Division no later than 12 months after the Department of Commerce and Economic Opportunity adopts the initial formulas and model ordinance.

(c) Until a municipality adopts the model ordinance required under this Division, it may continue to impose impact fees under its existing ordinances.

(d) Beginning 30 months after the effective date of this amendatory Act of the 104th General Assembly, any impact fee imposed on residential development must be calculated in accordance with this Division and rules adopted under this Division.

(e) An application for residential development that is complete under the laws of the municipality before the municipality adopts the model ordinance shall be subject to the impact fee requirements in effect at the time the application was deemed complete.

(f) Nothing in this Division shall be construed to authorize municipality to levy impact fees if it lacked the authority to prior to levy impact fees the effective date of this amendatory Act of the 104th General Assembly.

(65 ILCS 5/11-12.2-65 new)

Sec. 11-12.2-65. Home rule preemption. A home rule unit may not regulate plan reviews or building inspections in a manner inconsistent with this Division. This Division is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/11-13-30 new)

Sec. 11-13-30. Accessory dwelling units.

(a) As used in this Section, "accessory dwelling unit"

means a residential living unit that is located on a lot containing a single-family dwelling that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies. "Accessory dwelling unit" includes a structure that is (i) separate from the primary dwelling unit or (ii) attached to the primary dwelling unit.

(b) Notwithstanding any law to the contrary, beginning January 1, 2027, each municipality shall, by ordinance, authorize the development of accessory dwelling units in compliance with this Section.

(1) Each municipality shall permit accessory dwelling units in all zoning districts that permit single-family dwellings without additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond those required for single-family dwelling units without an accessory dwelling unit. An accessory dwelling unit may be constructed as a new structure or from an existing structure, including but not limited to attached or detached garages, attics, basements, and backyard cottages.

(2) A municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

(3) Accessory dwelling units may be constructed at the same time as the principal dwelling unit.

(4) No municipality shall:

(A) require additional automobile parking spaces for a property with an accessory dwelling unit beyond the requirements for a single-family dwelling unit without an accessory dwelling unit;

(B) require the establishment of a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit; or

(C) establish a minimum or maximum limit on (i) square footage of an accessory dwelling unit or (ii) the number of bedrooms of an accessory dwelling unit.

(c) A home rule municipality may not regulate accessory dwelling units in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/11-13-31 new)

Sec. 11-13-31. Automobile parking requirements for residential developments.

(a) Beginning January 1, 2027, the corporate authorities of a municipality shall not:

(1) require more than 0.5 automobile parking spaces per multifamily dwelling unit or more than one automobile parking space per single-family home; or

(2) establish minimum automobile parking requirements for:

(A) residential dwellings of less than 1,500 square feet;

(B) affordable housing projects under the Illinois Affordable Housing Act;

(C) assisted living establishments, as defined by the Assisted Living and Shared Housing Act;

(D) ground level nonresidential spaces in mixed-use buildings; or

(E) buildings undergoing a change of use from nonresidential to residential.

(b) This Section does not apply:

(1) to requirements for automobile parking spaces permanently marked for the exclusive use of individuals with disabilities in compliance with the American with Disabilities Act; or

(2) if the requirements of this Section conflict with a developer's contractual agreement or approved site plan with the corporate authorities of a municipality that was executed or approved on or before the effective date of this amendatory Act of the 104th General Assembly.

(c) Nothing in this Section prevents a municipality from

enacting or enforcing an ordinance or resolution that establishes a maximum automobile parking requirement that is more stringent than or equal to the automobile parking requirements of this Section.

(d) Nothing in this Section prohibits a developer from constructing additional automobile parking that is not available to the public.

(e) A home rule unit may not regulate automobile parking in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

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

Division 13.1. MIDDLE HOUSING

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

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

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

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

"Attached courtyard housing" means a form of middle

housing consisting of 2 or more attached dwelling units arranged to face a shared common courtyard, where each unit has a primary entrance oriented toward the courtyard and the courtyard provides pedestrian access, light, air, and shared open space for the dwelling units.

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

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

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

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

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

including, but not limited to, special uses, conditional uses, variances, planned unit developments, or non-objective design review. "Discretionary review" does not include:

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

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

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

"Middle housing" means:

(1) duplexes;

(2) triplexes;

(3) fourplexes;

(4) cottage clusters;

(5) townhouses;

(6) attached courtyard housing;

(7) detached courtyard housing; and

(8) stacked-flat plexes

"Middle housing land division" means the division of land containing middle housing to allow fee-simple ownership of one or more dwelling units consistent with Section 11-13.1-40.

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

"Public transit" means fixed-route bus, commuter rail, light rail, rapid transit, or other publicly operated or publicly subsidized transit with regularly scheduled service.

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

"Stacked-flat plex" means a middle-housing building type containing between 2 and 8 dwelling units, where units are arranged in vertical tiers and accessed by shared or individual entrances, and the overall building is designed to be similar in scale and massing to a detached single-family house.

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

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

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

(b) A municipality shall provide for at least one residential zoning district in which detached single-family dwellings are permitted on lots with an area of not more than 2,500 square feet. A municipality may not require a minimum lot area of more than 2,500 square feet for detached single-family dwellings in any residential zoning district that permits detached single-family dwellings.

(c) The following residential unit allowances are

permitted on any lot located in a residential zoning district that permits detached single-family dwellings:

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

(2) Up to 4 dwelling units are permitted as of right on any lot with an area of more than 2,500 square feet and not more than 5,000 square feet.

(3) Up to 6 dwelling units are permitted as of right on any lot with an area of more than 5,000 square feet and not more than 7,500 square feet.

(4) Up to 8 dwelling units, including cottage clusters, are permitted as of right on any lot with an area of more than 7,500 square feet. Each individual cottage counts as a dwelling unit for purposes of this paragraph (4).

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

(e) For the first 8 months after the effective date of this amendatory Act of the 104th General Assembly, municipalities may continue to review middle-housing permit applications under existing local standards. During this period, municipalities may not adopt new standards that reduce the minimum dwelling-unit entitlements set forth in subsection (b). Beginning immediately after the 8-month period, any

municipal ordinance that conflicts with subsection (b) is void and unenforceable to the extent of the conflict. After the transition period:

(1) if a municipality has adopted conforming zoning amendments under Section 11-13.1-45, then permit applications shall be reviewed under the municipality's updated zoning code; and

(2) if a municipality has not adopted conforming amendments within 8 months after the effective date of this amendatory Act of the 104th General Assembly, then permit applications shall be reviewed under the default clear-and-objective standards in Section 11-13.1-35.

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

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

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

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

(1) the structure is not expanded by more than 50% of its existing floor area or more than 1,200 square feet,

whichever is greater; and

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

(b) A compliant conversion shall not be subject to site-development standards that apply only to new construction.

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

Sec. 11-13.1-20. Local development and design standards.

(a) Municipal standards for bulk, lot area, yards, height, automobile parking, density, floor-area ratio, lot coverage, access, unit size, building separation, and design are enforceable only if the standards:

(1) are clear and objective; and

(2) do not, individually or cumulatively, preclude or materially discourage the development of middle housing on typical lots in the zoning district, or unreasonably delay development of the minimum dwelling-unit allowances established under Section 11-13.1-10.

(b) Municipalities may not adopt or enforce standards for bulk, lot area, yards, height, automobile parking, density, floor-area ratio, lot coverage, access, unit size, building separation, and design that:

(1) impose requirements on middle housing that are more restrictive than those applicable to detached single-family dwellings;

(2) require automobile parking mandates for residential dwellings of less than 1,500 square feet and require automobile parking mandates no greater than:

(A) 0.5 automobile parking spaces per multifamily dwelling unit; or

(B) more than one automobile parking space per single family home; and

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

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

Sec. 11-13.1-25. Administrative processing. Middle-housing applications that comply with clear and objective standards must be processed:

(1) as a permitted use;

(2) without discretionary review; and

(3) within the same timeframe applied to detached single-family dwellings.

Nothing in this Section shall be construed to prohibit demolition review required under an adopted historic preservation ordinance for a locally, State, or nationally designated historic resource.

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

Sec. 11-13.1-30. Default clear and objective standards.

(a) This Section applies in any municipality that:

(1) fails to adopt conforming zoning amendments within 8 months after the effective date of this amendatory Act of the 104th General Assembly; or

(2) has adopted zoning provisions that conflict with this Division.

If this Section applies to a municipality, then the standards under this Section apply in all residential zoning districts in the municipality and the permit applications in residential zoning districts within the municipality shall be reviewed solely under this Division.

(b) A municipality's minimum setbacks for dwellings shall not exceed 10 feet from the front of the dwelling; 5 feet from either side of the dwelling; 10 feet from the rear of the dwelling; or 10 feet from the corner of the corner-lot street. Municipalities may not impose a maximum building height of less than 35 feet. Any additional height reductions based on building form, articulation, roof type, or architectural style are invalid. The maximum lot-coverage limit shall not be less than 70%. The maximum floor-area-ratio limit shall not be less than 1.5. The minimum separation between structures on the same lot shall not exceed 6 feet, except as required by the State Fire Code.

(c) The maximum number of required automobile parking

spaces is 0.5 spaces per multifamily dwelling unit. No automobile parking may be required for any lot located within one-half mile of public transit. Municipal automobile parking design standards are limited to surfacing, emergency-access, and drainage requirements under State law.

(d) Access to a dwelling via an alley or shared driveway must be permitted. The municipality's maximum driveway widths must not exceed (i) 10 feet for one-way access or (ii) 18 feet for 2-way access. No minimum street-frontage applies if access exists via an easement or alley. No more than one driveway may be required per development.

(e) Design standards are applicable to all residential development, including middle housing. Design standards are limited to:

(1) at least one primary entrance facing the street, except for cottage clusters;

(2) roof-drainage compliance with State plumbing codes and stormwater codes;

(3) at least 20% transparency on street-facing facades;

(4) materials permitted under the State building code; and

(5) no standards based on subjective criteria, including, but not limited to, compatibility, character, and context.

(f) Design standards for middle-housing include the

following standards:

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

(A) The minimum unit size shall be at least 150 square feet.

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

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

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

(2) Complexes of between 2 and 8 units may occupy the same building envelope allowed for a detached single-family dwelling under this Section. Municipalities may not require complexes of between 2 and 8 units to have design differentiation from single-family structures.

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

(4) Existing buildings may be converted to up to 8 units of middle housing without triggering standards applicable only to new construction, other than

life-safety codes. A building's existing nonconformities need not be corrected.

(g) Municipalities shall approve land subdivisions, condo-alternatives, or attached-dwelling plats that enable fee-simple ownership. Lot-size, dimension, and frontage requirements shall not preclude the divisions. Shared areas may be governed by easements, covenants, or owners' associations.

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

Sec. 11-13.1-35. Middle-housing land divisions. Municipalities shall approve a middle-housing land division if the application demonstrates that:

(1) each dwelling unit has separate utility connections or easements;

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

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

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

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

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

Sec. 11-13.1-40. Municipality requirements.

(a) Each municipality must amend its zoning ordinance to conform to this Division within 8 months after the effective date of this amendatory Act of the 104th General Assembly.

(b) If a municipality fails to adopt conforming amendments within 8 months after the effective date of this amendatory Act of the 104th General Assembly, then the default clear-and-objective standards in Section 11-13.1-30 shall automatically apply.

(c) Any municipal ordinance that conflicts with this Division is void and unenforceable to the extent of the conflict 8 months after the effective date of this amendatory Act of the 104th General Assembly.

(d) During the first 8 months after the effective date of this amendatory Act of the 104th General Assembly, municipalities may continue to review middle-housing permit applications under existing local standards. No municipality may adopt new standards during this period that reduce the minimum dwelling-unit entitlements in subsection (c) of Section 11-13.1-10.

(e) Any person or entity aggrieved by a municipality's action or inaction alleged to violate this Division may bring an action for declaratory or injunctive relief in a court of competent jurisdiction. If the court finds that a municipality has violated this Division, then the court shall award

reasonable attorney's fees and costs to the prevailing plaintiff. Nothing in this subsection shall be construed to limit any other remedies available at law or in equity.

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

Sec. 11-13.1-45. Conflict. In case of any conflict between the provisions of this Division and Division 11-13, the provisions of this Division shall prevail and control.

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

Sec. 11-13.1-50. Home rule. A home rule unit may not regulate middle housing in a manner inconsistent with this Division. This Division is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/Art. 11 Div. 31.2 heading new)

DIVISION 31.2. BUILDING INSPECTIONS

(65 ILCS 5/11-31.2-1 new)

Sec. 11-31.2-1. Findings and purpose.

(a) The General Assembly finds and declares that:

(1) uncertain and lengthy building permit review and inspection timelines add costs, delay community investment, and make it harder to deliver housing across

the State;

(2) ensuring predictable, efficient, and transparent review processes is a matter of statewide concern affecting housing supply, public safety, and economic competitiveness;

(3) several states, including Florida, Arizona, Tennessee, Texas, and New Hampshire, have adopted third-party plan review and inspection systems that accelerate development timelines while maintaining safety and code compliance; and

(4) By setting statewide expectations and offering qualified third-party review options when local deadlines are exceeded, Illinois can reduce avoidable delays and help advance needed housing and commercial development in communities large and small.

(b) It is the purpose of this Division to create a statewide third-party plan review and inspection framework, to establish uniform municipal deadlines, and to ensure that all applicants may obtain timely approvals necessary to advance construction while maintaining public safety and building-code standards.

(65 ILCS 5/11-31.2-2 new)

Sec. 11-31.2-2. Definitions. As used in this Act:

"Business day" means any day other than a Saturday, Sunday, or State-recognized holiday.

"Complete application" means an application that includes all forms, fees, documents, site plans, and other materials required by local ordinance.

"Qualified third-party plan reviewer" means a person who:

(1) is a licensed architect or engineer under the laws of this State; and

(2) holds a current and active certification issued by the International Code Council, the National Fire Protection Association, or the International Association of Plumbing and Mechanical Officials, or one of their successor organizations.

"Qualified third-party inspector" means a person who:

(1) is a licensed architect or engineer; and

(2) holds a current and active certification issued by the International Code Council, the National Fire Protection Association, or the International Association of Plumbing and Mechanical Officials, or one of their successor organizations.

(65 ILCS 5/11-31.2-5 new)

Sec. 11-31.2-5. Applicability. This Division applies to all municipalities, including home-rule units.

(65 ILCS 5/11-31.2-10 new)

Sec. 11-31.2-10. Municipal plan review timelines.

(a) A municipality shall complete its initial plan review

within:

(1) 15 business days after receipt of a complete application for a one-family residential project or 2-family residential project; or

(2) 30 business days after receipt of a complete application for any multifamily, mixed-use, or commercial project.

(b) A municipality shall issue written comments or approval within the applicable deadline.

(c) For any subsequent review cycle after the applicant submits revisions responding to comments, the municipality shall complete review within 10 business days.

(d) Failure to meet any deadline under this Section triggers the applicant's right to use a qualified third-party plan reviewer under Section 11-31.2-20.

(65 ILCS 5/11-31.2-15 new)

Sec. 11-31.2-15. Inspection timelines.

(a) A municipality shall conduct any required inspection within 2 business days after receipt of a request.

(b) Failure to conduct the inspection within the required period triggers the applicant's right to use a qualified third-party inspector under Section 11-31.2-25.

(65 ILCS 5/11-31.2-20 new)

Sec. 11-31.2-20. Use of qualified third-party plan

reviewers upon missed deadline.

(a) If a municipality fails to complete its plan review within the deadlines established under Section 11-31.2-10, then the applicant may retain a qualified third-party plan reviewer.

(b) A municipality shall accept any plan review submitted by a qualified third-party plan reviewer as meeting the municipality's requirements if the review demonstrates compliance with the applicable building codes.

(c) A municipality shall issue the permit within 2 business days after receiving a compliant third-party plan review.

(d) A municipality may not require a second review, impose additional comments, or delay issuance once a qualified review has been submitted, except as permitted under Section 11-31.2-30.

(65 ILCS 5/11-31.2-25 new)

Sec. 11-31.2-25. Use of qualified third-party inspectors upon missed deadline.

(a) If a municipality fails to conduct a required inspection within 2 business days, then the applicant may retain a qualified third-party inspector.

(b) Municipalities shall accept inspection reports submitted under this Section as satisfying local inspection requirements if the report demonstrates compliance with the

building code.

(c) A municipality shall issue any required approval, certificate, or authorization within one business day after receiving a compliant inspection report.

(65 ILCS 5/11-31.2-30 new)

Sec. 11-31.2-30. Municipal audit authority.

(a) A municipality retains full authority to audit any third-party plan review or inspection for compliance with applicable codes. Nothing in this Division limits a municipality's authority to issue stop-work orders, withhold certificates of occupancy, or pursue enforcement actions for noncompliance.

(b) An audit may not delay issuance of a permit or authorization submitted under Section 11-31.2-20 or 11-31.2-25.

(c) If a municipality identifies material noncompliance, then it may pursue enforcement actions available under its code authority and report the findings to the Department of Financial and Professional Regulation or applicable credentialing organization.

(d) A municipality may require reasonable documentation demonstrating that a qualified third-party plan reviewer or qualified third-party inspector meets the qualification requirements of this Division, including proof that the qualified third-party plan reviewer's or qualified third-party

inspector's licensure or certification is current and active.

(e) Nothing in this Division shall be construed to transfer liability for code compliance or construction defects from the owner, design professional, or contractor.

(65 ILCS 5/11-31.2-40 new)

Sec. 11-31.2-40. Fees; fee parity.

(a) A municipality may not charge plan review or inspection fees for any portion of the review process or inspection process performed by a qualified third-party plan reviewer or qualified third-party inspector.

(b) Fees charged by a qualified third-party plan reviewer may not exceed the municipality's standard fees for the same service.

(c) A municipality shall reduce its fees proportionally when an applicant uses third-party review for only one portion of the process.

(65 ILCS 5/11-31.2-45 new)

Sec. 11-31.2-45. Conflicts of interest.

(a) A qualified third-party plan reviewer may not review plans if:

(1) the qualified third-party plan reviewer, an employee of the qualified third-party plan reviewer, or qualified third-party plan reviewer's employer was involved in making the plans; or

(2) the plans are for work to be performed on property owned by the qualified third-party plan reviewer, an employee of the qualified third-party plan reviewer, or qualified third-party plan reviewer's employer.

(b) A qualified third-party inspector may not inspect work if the qualified third-party inspector, an employee of the qualified third-party inspector, or qualified third-party inspector's employer:

(1) performed any of the work;

(2) planned any of the work; or

(3) is the owner of the property on which the work was performed.

(c) A qualified third-party plan reviewer or qualified third-party inspector shall disclose any potential conflict of interest to the applicant and the municipality before accepting an engagement.

(65 ILCS 5/11-31.2-50 new)

Sec. 11-31.2-50. Home rule preemption. A home rule unit may not regulate plan reviews or building inspections in a manner inconsistent with this Division. This Division is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(65 ILCS 5/11-31.2-97 new)

Sec. 11-31.2-97. Severability. The provisions of this Division are severable under Section 1.31 of the Statute on Statutes.

INDEX

Statutes amended in order of appearance

65 ILCS 5/11-13.1-15 new
65 ILCS 5/11-13.1-20 new
65 ILCS 5/11-13.1-25 new
65 ILCS 5/11-13.1-30 new
65 ILCS 5/11-13.1-35 new
65 ILCS 5/11-13.1-40 new
65 ILCS 5/11-13.1-45 new
65 ILCS 5/11-13.1-50 new
65 ILCS 5/Art. 11 Div.
31.2 heading new
65 ILCS 5/11-31.2-1 new
65 ILCS 5/11-31.2-2 new
65 ILCS 5/11-31.2-5 new
65 ILCS 5/11-31.2-10 new
65 ILCS 5/11-31.2-15 new
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65 ILCS 5/11-31.2-30 new
65 ILCS 5/11-31.2-40 new
65 ILCS 5/11-31.2-45 new
65 ILCS 5/11-31.2-50 new
65 ILCS 5/11-31.2-97 new