



Village of Winnetka

Village Council Regular Meeting

August 19, 2025 at 7:00 PM

Village Hall
510 Green Bay Road

AGENDA

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Quorum**
 - a. September 2, 2025 Regular Meeting - Cancelled
 - b. September 9, 2025 Study Session & Regular Meeting
 - c. September 16, 2025 Regular Meeting
4. **Public Comments**
5. **Reports**
6. **Presentations**
 - a. Approval of September 11 Memorial Flag Planting on the Village Green - Cripe Family
7. **Establishment of Consent Agenda**
8. **Approval of Consent Agenda**
 - a. Approval of Village Council Minutes
 - i. July 15, 2025 Regular Meeting
 - b. Approval of Warrant List Dated August 1, 2025 - August 14, 2025
 - c. Resolution No. R-64-2025: Approving a Seventh Amendment to a Lease Agreement Between the Village of Winnetka and the United States Postal Service (Adoption)
 - d. Resolution No. R-66-2025: Approving Change Order No. 1 with Hoerr Construction, Inc. for Sewer Relining Work (Adoption)
9. **Ordinances and Resolutions**
 - a. Ordinance No. MC-01-2025 Amending Title 9 of the Winnetka Village Code to Prohibit the Sale of Illicit THC Products and Kratom (Introduction/Adoption)
 - b. Resolution No. R-67-2025: Approving and Authorizing the Adoption of the Village of Winnetka 2025 Affordable Housing Plan (Adoption)

NOTICE

Village Council meetings are video recorded. All agenda materials are available at villageofwinnetka.org (Governance > Agendas & Minutes); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor). The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator, 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.

10. Old Business

11. New Business

12. Appointments

- a. Appointment of Planned Development Commission Chairperson - Layla Danley
- b. Appointment of Planned Development Commission Vice Chairperson - Matthew Bradley
- c. Appointment of Planned Development Commission Member - Jonathan Alt
- d. Appointment of Planned Development Commission Member - Mamie Case
- e. Appointment of Planned Development Commission Member - Mark Haller
- f. Appointment of Planned Development Commission Member - Lynn Hanley
- g. Appointment of Planned Development Commission Member - Kathryn Leister
- h. Appointment of Planned Development Commission Member - Mike Nielsen
- i. Appointment of Planned Development Commission Member - Kate Van Vlack

13. Closed Session

14. Adjournment



Village of WINNETKA, IL

Agenda Item Executive Summary

TITLE: Approval of September 11 Memorial Flag Planting on the Village Green - Cripe Family

PRESENTER: Kristin Kazenas

AGENDA DATE: August 19, 2025

CONSENT: No

ITEM TYPE: Presentation

ITEM HISTORY:

Annual tradition since 2008.

EXECUTIVE SUMMARY:

In 2008, a tradition began to remember and honor the victims of the September 11, 2011 terrorist attacks by planting 2,977 American flags on the Village Green. Residents Andrew, Christina, Henry, Charlie, William, and Julia Cripe are requesting Council authorization to continue this tradition. The Village has previously granted this request since 2008. The flags will be planted on September 10, and will be removed at sundown on September 11.

RECOMMENDATION:

Consider granting the request by the Cripe family to plant memorial flags on the Village Green.

ATTACHMENTS:

1. Winnetka Village Green Flag Planting Request for Annual 9/11 Memorial

From: Julia and William Cripe

Date: August 11, 2025

To: Rob Bahan, Village Manager
Kristin Kazenas, Deputy Village Manager
Robert Dearborn, Village President
Village Council

CC: John Ripka, Fire Chief
Brian O'Connell, Police Chief

Subject: Winnetka Village Green flag planting request for Annual 9/11 Memorial

Dear Village Manager Bahan, Deputy Village Manager Kazenas, Village President Dearborn and Village Council,

We are seeking permission to again plant American flags on the Village Green at the base of the Cenotaph to pay tribute to the 2,977 victims of the September 11 terrorist attacks 24 years ago. The flags would be planted beginning at **3:30 pm** on the afternoon of **Wednesday, September 10, 2025**, and will remain standing until sundown (**7:10 pm**) on Thursday, **September 11, 2025**, at which time they will be removed and stored for future observances.

We are honored to help coordinate this student-lead event. We would also like to thank in advance, Winnetka Fire Chief Ripka and the Winnetka/Kenilworth Fire Department and Winnetka Police Chief O'Connell and the Winnetka Police Department for their assistance each year. We would also like to thank and recognize Genevieve Nielson for starting this tradition when she was a student at North Shore Country Day School in 2008 and Taylor and Jackson Tucker who continued the tradition from 2010 to 2016 before our family became involved in 2017.

This annual Winnetka tradition is open to all. We plant flags to remember those that we lost, honor the service of our first responders who ran toward danger on that terrible day, and to again gather together as a community to honor the heroism, strength of spirit and generosity of the American people on that day and on the days that followed.

Thank you for your consideration and support.

Sincerely,

Julia Cripe (Washburne, 8th Grade) and William Cripe (New Trier, Senior)

Cc: Andrew, Christina, Henry and Charlie Cripe

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
July 15, 2025**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held at the Council Chambers on Tuesday, July 15, 2025, at 7:00 PM.

- 1) Call to Order. President Dearborn called the meeting to order at 7:03 PM. Village Manager Rob Bahan called the roll. Present: Trustees Kirk Albinson, Tina Dalman, Kim Handler, Scott Myers and Bridget Orsic. Absent: Trustee Rob Apatoff. Also present: Deputy Village Manager Kristin Kazenas, Deputy Village Clerk Berina Gradjan, Village Attorney Peter Friedman, Community Development Director Scott Mangum, and approximately 14 persons in the audience.

Trustee Myers has provided the required notice that he will be unable to attend the regular meeting due to family or other emergency. The Village's policy provides that Trustee Myers may participate remotely unless 2/3 of the Council objects. With no objections, Trustee Myers participated remotely fully in the meeting.

Call to Order. Village Manager Rob Bahan called Trustee Myers for attendance.

- 2) Pledge of Allegiance. Trustee Dalman the group in the Pledge of Allegiance.
- 3) Quorum.
- a) August 5, 2025 Regular Meeting All of the Council members present said they expect to attend with the exception of Trustee Handler due to work obligations.
 - b) August 12, 2025 Study Session Cancelled.
 - c) August 19, 2025 All of the Council members present said they expect to attend with the exception of Trustee Dalman due to family obligation.
- 4) Public Comment:
- a) Ted Wynnychenko addresses Council regarding sustainability, lakefront permitting matters and closed session meeting minutes.
- 5) Reports:
- a) Trustees.
 - i. Trustee Handler, liaison to the Environmental, Forestry, & Sustainability Commission, advises Council of the commissions recent meeting, new members, and sustainability discussions.
 - ii. Trustee Orsic, Winnetka Park District liaison, along with Trustee Apatoff, advises Council on their recent meetings with the Park District regarding lakefront matters.
 - iii. Trustee Dalman, liaison to Hubbard Woods, along with Trustee Apatoff, addresses Council on discussions regarding the health of the district.
 - b) Attorney. No report.
 - c) Manager.

- i. After 15 years of unwavering service, Village Manager Rob Bahan announces his retirement. Reflecting on this significant chapter, he expresses profound gratitude for the honor of serving such an exceptional organization, remarkable community, and serving along such dedicated staff and elected officials. Working alongside an exceptionally professional staff whose commitment and collaboration brought countless initiatives and major projects to life despite the challenges along the way to make Winnetka stronger, more resilient and well positioned for the future. Rob Bahan pledges his commitment to ensuring a smooth and thoughtful transition with Kristin Kazenas, incoming Village Manager, as the Village prepares for the next chapter of its history.
- d) Village President. President Dearborn commends Manager Bahan’s 15 years of exceptional service and representation of the Village. On behalf of Council, President Dearborn expresses appreciation, gratitude and unanimous support to Kristin Kazenas on her transition as Village Manager.

Additionally, President Dearborn advises Council of meetings with Laura Freehack, President of the Winnetka-Northfield Public Library District, Jean Hahn, Board President of the New Trier Township High School District 203, Elise Gibson, President of the Winnetka Park District, Dan Waters, President of Winnetka School District 36, and one-on-one meetings with Village staff. President Dearborn believes that a collaborative approach will ensure the Village moves forward.

Additionally, President Dearborn advises Council of meetings with the presidents of the Village of Kenilworth and Village of Glencoe, Congressman Brad Schneider, State Representative Robyn Gabel, Cook County Commissioner Scott Britton, and Cook County Assessor Fritz Kaegi.

6) Establishment of the Consent Agenda.

Trustee Albinson seconded by Trustee Dalman moved to approve the Establishment of the Consent Agenda. By voice vote, the motion carried.

7) Approval of the Consent Agenda

- a) Approval of Village Council Minutes
 - i. June 17, 2025 Regular Meeting
- b) Approval of the Warrant List dated June 27, 2025 – July 10, 2025 in the amount of \$1,545,072.23
- c) Ordinance No. M-07-2025: Implementing a Municipal Grocery Retailers’ Occupation Tax and a Municipal Grocery Service Occupation Tax to Replace the Existing State Tax (Adoption)
- d) Resolution No. R-53-2025: Approving Closed Session Minutes, Determining the Need to Keep Minutes of Certain Closed Meetings of the Village Council Confidential and Authorizing the Destruction of Verbatim Recordings of Certain Closed Meetings and of the Village Council (Adoption)
- e) Resolution No. R-60-2025: Waiving Bidding and Approving an Agreement with Dunnet

Bay Construction for Elm Street Structural Repair (Adoption)

- f) Resolution No. R-61-2025: Approving a Contract Extension for Interim Economic Development Coordinator Services (Adoption)

Trustee Dalman seconded by Trustee Orsic, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Albinson, Dalman, Handler, Myers and Orsic. Nays: None. Absent: Trustee Apatoff.

8) Ordinances and Resolutions.

- a) Ordinance No. M-09-2025: Granting a Special Use Permit and a Certificate of Appropriateness for the Renovation of the Existing Hubbard Woods Train Depot and Train Platform and the Construction of Improvements Within the R-5 and R-3 Single Family Residential Districts and the C-2 General Retail Commercial District of the Village (1065 Gage Street – Hubbard Woods Metra Train Station) (Introduction/Adoption)

Village staff has received an application submitted by Metra regarding proposed renovations of the existing Hubbard Woods train depot and train platform as well as the construction of various exterior improvements. Metra also requests renovation and improvements of the Hubbard Woods Train Station.

Community Development Director Scott Mangum advises Council of the Hubbard Woods Metra Train Station zoning and location maps, comprehensive plan land use, proposed site plan, review of the pedestrian bridge railing, landscaping plans, and elevator tower refinements.

The Zoning Board of Appeals, Plan Commission, and Design Review Board recommended approval of the special use permit and certificate of appropriateness.

Glen Peters, Metra's Senior Director of Capital Projects, advises Council that the Hubbard Woods Train Station is a historic station and that the Illinois State Historic Preservation Office recommended preserving the existing ticket office.

Council discusses the potential process for a coffee shop occupying the space, construction timeline, approval, fence height, and the complexities of the project involving Metra and Union Pacific.

Trustee Albinson, seconded by Trustee Dalman, moved to waive introduction of Ordinance No. M-09-2025.

Trustee Dalman, seconded by Trustee Albinson, moved to adopt Ordinance No. M-09-2025. By roll call vote, the motion carried. Ayes: Trustees Albinson, Dalman, Handler, Myers and Orsic. Nays: None. Absent: Trustee Apatoff.

- b) Resolution No. R-62-2025: Approving an Employment Agreement with Kristin Kazenas for the Village Manager of the Village of Winnetka (Adoption) and Resolution No. R-63-2025: Approving a First Amendment to the Employment Agreement with Robert M. Bahan (Adoption)

Village Manager Rob Bahan formally announced his retirement at the end of September 2025. Village Council has determined that the appointment of Deputy Village Manager Kristin Kazenas would be in the best interest of the community effective October 1, 2025. To ensure a seamless transition, Council will consider an employment agreement with Kristin Kazenas and a first amendment to Manager Bahan's employment agreement

providing certain considerations and retirement benefits through approximately March 31, 2026.

Village Attorney Peter Friedman provides a review of the key operational and financial provisions of the agreements.

Deputy Village Manager Kristin Kazenas expresses her sincere appreciation to the Village Council, emphasizing her commitment to ensuring a smooth transition, maintaining high standards and moving the Village forward.

Trustee Handler, seconded by Trustee Albinson, moved to adopt Resolution No. R-62-2025. By roll call vote, the motion carried. Ayes: Trustees Albinson, Dalman, Handler, Myers and Orsic. Nays: None. Absent: Trustee Apatoff.

Trustee Orsic, seconded by Trustee Albinson, moved to adopt Resolution No. R-63-2025. By roll call vote, the motion carried. Ayes: Trustees Albinson, Dalman, Handler, Myers and Orsic. Nays: None. Absent: Trustee Apatoff.

9) Old Business. None.

10) New Business. None.

11) Appointments:

- a) Appoint Louisa Hernandez as student representative to a full term on the Environmental, Forestry and Sustainability Commission – her term will expire on August 31, 2026.

Trustee Dalman seconded by Trustee Myers, moved to appoint Louisa Hernandez to a full term as student representative on the Environmental, Forestry and Sustainability Commission by omnibus vote.

12) Closed Session: None.

13) Adjournment. Trustee Albinson, seconded by Trustee Orsic moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 7:50 p.m.

Recording Secretary



Village of WINNETKA, IL

Agenda Item Executive Summary

TITLE: Approval of Warrant List Dated August 1, 2025 - August 14, 2025

PRESENTER: Kristin Kazenas

AGENDA DATE: August 19, 2025

CONSENT: Yes

ITEM TYPE: Consent Agenda

ITEM HISTORY:

None.

EXECUTIVE SUMMARY:

The Warrant List Dated August 1, 2025 - August 1, 2025.

RECOMMENDATION:

Consider Approving the Warrant List Dated August 1, 2025 - August 14, 2025.

ATTACHMENTS:

None



Village of WINNETKA, IL

Agenda Item Executive Summary

TITLE: Resolution No. R-64-2025: Approving a Seventh Amendment to a Lease Agreement Between the Village of Winnetka and the United States Postal Service (Adoption)

PRESENTER: Kristin Kazenas

AGENDA DATE: August 19, 2025

CONSENT: Yes

ITEM TYPE: Consent Agenda

ITEM HISTORY:

April 1, 2014 - The Council approves a new month-to-month lease with the United States Postal Service (USPS) for 512 Chestnut Street.

July 20, 2022 - The Village provides the USPS with the required 12-month termination notice, effectively ending the lease agreement on July 21, 2023.

July 6, 2023 - The Council approves the first amendment to the lease, extending the end of the lease to January 31, 2024.

December 5, 2023 - The Council approves the second amendment to the lease, extending the end of the lease to June 30, 2024.

May 21, 2024 - The Council approves the third amendment to the lease, extending the end of the lease to January 31, 2025.

December 3, 2024 - The Council approves the fourth amendment to the lease, extending the end of the lease to April 30, 2025.

April 3, 2025 - The Council approves the fifth amendment to the lease, extending the end of the lease to July 31, 2025.

July 8, 2025 - The Council approves the sixth amendment to the lease, extending the end of the lease to August 31, 2025.

EXECUTIVE SUMMARY:

The Village of Winnetka has had a lease agreement with the United States Postal Service (USPS) for the facility located at 512 Chestnut Street for many years. The current lease was approved by the Council on April 1, 2014 for a month to month period, with a 12 month termination notice requirement. In the summer of 2022, USPS contacted the Village staff and expressed interest in re-locating the post office to another location in Winnetka. The Village provided the USPS with the required 12 month termination notice on July 20, 2022; therefore, the original lease agreement terminated on July 21, 2023.

On July 6, 2023, the Council approved the first amendment to the lease agreement, extending the term

of the lease to January 31, 2024. The USPS requested an additional extension to the lease in December 2023, because they needed additional time to finalize the lease on the new location. On December 5, 2023, the Council approved a second amendment to the lease agreement, extending the term to June 30, 2024, and adding an option for the USPS to terminate the lease early with 30 days written notice to the Village. On May 21, 2024, the Council approved a third amendment to the lease agreement, extending the term to January 31, 2025. On December 3, 2024, the Council approved a fourth amendment to the lease agreement, extending the term to April 30, 2025. On April 3, 2025, the Council approved a fifth amendment to the lease agreement, extending the term to July 31, 2025. On July 8, 2025, the Council approved a sixth amendment to the lease agreement, extending the term to August 31, 2025.

The USPS has requested additional time to allow time for finalization of construction, resolution of punch list items and IT issues, and transition over to the new location.

Given the importance of having the USPS located in downtown Winnetka for the benefit of residents and activity in the commercial district, Council is asked to consider extending the lease. The terms of the seventh amendment to the lease are unchanged except for the expiration date - the lease now expires October 31, 2025, rather than August 31, 2025.

RECOMMENDATION:

Consider approval of Resolution No. R-64-2025: Approving a Seventh Amendment to a Lease Agreement Between the Village of Winnetka and the United States Postal Service

ATTACHMENTS:

1. Resolution No. R-64-2025: Approving a Seventh Amendment to a Lease Agreement Between the Village of Winnetka and the United States Postal Service

**A RESOLUTION APPROVING A SEVENTH AMENDMENT TO A LEASE
AGREEMENT BETWEEN THE VILLAGE OF WINNETKA AND
THE UNITED STATES POSTAL SERVICE**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka ("***Village***") to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the Village previously entered into a Lease Agreement ("***Lease***"), pursuant to which the Village leased to the United States Postal Service ("***Tenant***") a portion of the property commonly known as 512 Chestnut Street, Winnetka, Illinois to provide Tenant the use for a post office; and

WHEREAS, the Lease is a month-to-month lease, provided that, according to Section 6 of the Lease, the Lease may be terminated by either party with 365 days' written notice; and

WHEREAS, due to the Village's development plans, the Village provided notice to the Tenant ("***Termination Notice***") under Section 6 of the Lease that the Village would be terminating the Lease effective on July 21, 2023 ("***Termination Date***"), which Termination Notice was received by Tenant in a timely manner; and

WHEREAS, because Tenant was yet ready to occupy another property in the Village, the Village extended the Lease pursuant to that certain "First Amendment to Lease Agreement" dated July 6, 2023 ("***First Amendment***"); that certain "Second Amendment to Lease Agreement" ("***Second Amendment***"); that certain "Third Amendment to Lease Agreement" ("***Third Amendment***"); that certain "Fourth Amendment to Lease Agreement" ("***Fourth Amendment***"); that certain "Fifth Amendment to Lease Agreement" ("***Fifth Amendment***"); and that certain "Sixth Amendment to Lease Agreement" ("***Sixth Amendment***"); and

WHEREAS, the Village and Tenant now desire to further extend the term of the Lease to October 31, 2025, pursuant to a Seventh Amendment to Lease Agreement ("***Seventh Amendment***"); and

WHEREAS, pursuant to the Village's home rule authority, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the Seventh Amendment with the Tenant pursuant to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF SEVENTH AMENDMENT. The Village Council hereby approves the Seventh Amendment in substantially the form attached to this Resolution as **Exhibit A** and in a final form approved by the Village Attorney.

SECTION 3: AUTHORIZATION TO EXECUTE SEVENTH AMENDMENT. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Seventh Amendment.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 19th day of August, 2025, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A

SEVENTH AMENDMENT TO LEASE AGREEMENT

SEVENTH AMENDMENT TO LEASE AGREEMENT

This **SEVENTH AMENDMENT TO LEASE AGREEMENT** ("***Seventh Amendment***") made this ____ day of _____, 2025 ("***Execution Date***"), by and between **VILLAGE OF WINNETKA**, an Illinois home rule municipal corporation ("***Village***"), and the **UNITED STATES POSTAL SERVICE** ("***Tenant***").

WHEREAS, the Village owns the property commonly known as 512 Chestnut Street, Winnetka, Illinois ("***Property***"); and

WHEREAS, the Village and Tenant entered into that certain lease known as Lease J00000406397 ("***Lease***") for the Tenant to lease a portion of the Property to use for a post office ("***Premises***"); and

WHEREAS, the Lease is a month-to-month lease, provided that, according to Section 6 of the Lease, the Lease may be terminated by either party with 365 days' written notice; and

WHEREAS, the Village has plans to develop the Property; and

WHEREAS, due to the Village's development plans, the Village provided notice to the Tenant ("***Termination Notice***") under Section 6 of the Lease that the Village would be terminating the Lease effective on January 31, 2024 ("***Termination Date***"), which Termination Notice was received by Tenant in a timely manner; and

WHEREAS, Tenant negotiated a lease for use of another property in the Village to you that property as a post office; and

WHEREAS, because Tenant was yet ready to occupy another property in the Village, the Village extended the Lease pursuant to that certain "First Amendment to Lease Agreement" dated July 6, 2023 ("***First Amendment***"); that certain "Second Amendment to Lease Agreement" ("***Second Amendment***"); that certain "Third Amendment to Lease Agreement" ("***Third Amendment***"); that certain "Fourth Amendment to Lease Agreement" ("***Fourth Amendment***"); that certain "Fifth Amendment to Lease Agreement" ("***Fifth Amendment***"); and that certain "Sixth Amendment to Lease Agreement" ("***Sixth Amendment***"); and

WHEREAS, because Tenant is still ready to occupy another property in the Village, Tenant has once again requested that the Village extend the Lease pursuant to this Seventh Amendment until October 31, 2025; and

WHEREAS, the Village and Tenant desire to provide for an extension of the Lease as more particularly set forth in this Seventh Amendment.

NOW, THEREFORE, in consideration of the mutual agreements herein set forth, the mutual agreements set forth in the Lease, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Village and Tenant have agreed, and hereby agree that the Lease is amended as follows:

1. **Recitals Incorporated.** The Recitals set forth above are hereby incorporated by this reference and shall be deemed terms and provisions hereof with the same force and effect as if fully set forth in this Section 1.

2. **Extension of Lease.** The term of the Lease is hereby extended to October 31, 2025 (*“Extended Termination Date”*). Tenant agrees: (i) it will vacate the Premises by no later than 11:59 p.m. on October 31, 2025 unless the Village and Tenant extend the Lease; and (ii) no further notices or other actions are needed to be taken by the Village for the Lease to terminate on the Extended Termination Date. Notwithstanding anything in the Lease to the contrary, Tenant shall have the right to terminate the Lease at any time upon thirty (30) days prior written notice.

3. **Condition of Premises.** Tenant is in possession of the Premises and accepts the same “as is” without any representations or warranties of any kind. No agreement of the Village to alter, remodel, decorate, repair or improve the Premises (or to provide Tenant with any credit or allowance for the same), and no representation regarding the condition of the Premises have been made by or on behalf of the Village or relied upon by Tenant in connection with this Seventh Amendment.

4. **Brokers.** The Village and Tenant represent and warrant to each other that they have had no dealings with any real estate broker, finder, commissions or other person entitled to compensation for services rendered in connection with the negotiation or execution of this Seventh Amendment, and the Village and Tenant each agree to defend, indemnify and hold harmless the other from and against any claim for broker’s or finder’s fees or commissions made by any entity, asserting such claim by, through or under it.

5. **Time is of the Essence.** Time is of the essence of this Seventh Amendment and the Lease and each provision hereof and thereof.

6. **Submission of Seventh Amendment.** Submission of this instrument for examination shall not bind Landlord and no duty or obligation on Landlord shall arise under this instrument until this instrument is approved by and signed and delivered by the Village and Tenant.

7. **Entire Agreement.** This Seventh Amendment, the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Agreement, and Lease contain the entire agreement between the Village and Tenant with respect to Tenant’s leasing of the Premises.

8. **Severability.** If any provision of this Seventh Amendment or the application thereof to any person or circumstance is or shall be deemed illegal, invalid or unenforceable, the remaining provisions hereof shall remain in full force and effect and this Seventh Amendment shall be interpreted as if such illegal, invalid or unenforceable provision did not exist herein.

9. **Lease In Full Force and Effect.** Except as modified by this Seventh Amendment, all of the terms, conditions, agreements, covenants, representations, warranties and indemnities contained in the Lease and First Amendment remain in full force and effect.

10. **Integration of the Seventh Amendment and Lease.** This Seventh Amendment, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment and Lease shall be deemed to be, for all purposes, one instrument.

In the event of any conflict between the terms and provisions of this Seventh Amendment and the terms and provisions of the Lease and any of the amendments, the terms and provisions of this Seventh Amendment shall, in all instances, control and prevail.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Landlord and Tenant have executed this Seventh Amendment as of the day and year first above written.

LANDLORD:

VILLAGE OF WINNETKA

an Illinois home rule municipal corporation

By: _____

Name: Robert M. Bahan

Title: Village Manager

TENANT:

UNITED STATES POSTAL SERVICE

By: _____

Its: _____



Village of WINNETKA, IL

Agenda Item Executive Summary

TITLE: Resolution No. R-66-2025: Approving Change Order No. 1 with Hoerr Construction, Inc. for Sewer Relining Work (Adoption)

PRESENTER: James Bernahl

AGENDA DATE: August 19, 2025

CONSENT: Yes

ITEM TYPE: Consent Agenda

ITEM HISTORY:

As part of the Municipal Partnering Initiative (MPI), several municipalities partnered (including Glenview (Lead Agency), Glencoe, Golf, Rolling Meadows, and Prospect Heights), to obtain a contract for the trenchless relining of existing sanitary and storm sewers. Partnering allows combining projects from several municipalities to create economies of scale and obtain reduced pricing.

On April 3rd, 2025, the Village council awarded a contract to Hoerr Construction, Inc for sewer relining services. The total cost of the contract was \$500,000, being paid from Account: 540.70.01-670.

EXECUTIVE SUMMARY:

The original approved relining program included the relining of the remaining medium priority sanitary sewer sections, identified in the last Inflow & Infiltration Study, and the relining of identified sections of storm and sanitary sewer on Foxdale Ave.

After the award of the relining contract, the Sewer Department identified sections of sanitary and storm sewer that require immediate maintenance. It was recommended that relining these sections would be the best way to address concerns identified, be the most cost-effective, and reduce disturbance to the residents. The estimated cost of the relining of these additional sections is \$55,000.

In addition to the emergency repairs, and in coordination with the One Winnetka Development project, a portion of the existing sanitary on Elm Street, between Lincoln Ave and Arbor Vitae Road, will also be lined. As part of the One Winnetka project, the Village is requiring the disconnection of the old sanitary services from the previous buildings. To minimize the impacts to businesses and the motorists, the Village agreed that the relining of the Village's sewer would be appropriate. To complete this work expeditiously and following the Village's standards, the Village offered to include this work as part of the awarded Village contract. The Village's contractor agreed to accept this additional work and perform this relining as part of this year's program. The estimated cost of this additional relining work is \$45,000. The One Winnetka Development team will make payment to the Village for the full amount related to this work once the work is completed. The proposed additional work will increase the

contract by \$100,000 from the original awarded amount; the new contract amount will not exceed \$600,000.

The approved FY 2026 sanitary sewer budget has available funds that can be re-appropriated to cover the additional work without impacting the proposed projects in the sanitary sewer (Account No. 540.70.01-670). Staff will continue to closely monitor the work to ensure that the Village stays within the approved budget amount.

Resolution No. R-66-2025, prepared by the Village Attorney, authorizes the approval of Change Order No. 1 to Hoerr Construction, Inc. for the additional sections of relining work.

RECOMMENDATION:

Consider adopting resolution No. R-66-2025 and authorizing Change Order #1 with Hoerr Construction Inc. for an additional \$100,000 of sewer relining work for a total contract amount not to exceed \$600,000.

ATTACHMENTS:

1. Resolution No. R-66-2025: Approving Change Order No. 1 with Hoerr Construction, Inc. for Sewer Relining Work

RESOLUTION NO. R-66-2025

**A RESOLUTION APPROVING CHANGE ORDER NO. 1 WITH
HOERR CONSTRUCTION, INC. FOR SEWER RELINING WORK**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka ("***Village***") to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, on April 3, 2025, pursuant to Resolution R-36-2025, the Village entered into a contract ("***Contract***") with Hoerr Construction, Inc. ("***Contractor***") for the relining services for certain sections of the Village's existing sanitary and storm sewers ("***Work***"); and

WHEREAS, subsequent to the approval of the Contract, the Village identified the need to add additional sections of sewer to address the emergent maintenance requirements recommended by the Public Works Department ("***Additional Work***"); and

WHEREAS, the Contractor offered to perform the Additional Work for an amount not to exceed \$100,000.00 pursuant to a change order to the Contract ("***Change Order No. 1***"); and

WHEREAS, the Village has allocated funds for the annual sewer relining program in the budget, which are sufficient to pay for the Additional Work; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the Change Order with the Contractor;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF CHANGE ORDER NO. 1. The Village Council approves Change Order No. 1 in a final form approved by the Village Manager.

SECTION 3: AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 1. The Village Council authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Change Order No. 1 after receipt by the Village Manager of two executed copies of the final Change Order No. 1 from the Contractor; provided, however, that if the Village Manager does not receive two executed copies of the final Change Order No. 1 from the Contractor within 60 days after the date of adoption of this Resolution, then this authority to execute and seal Change Order No. 1 will, at the option of the Village Council, be null and void.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law by two-thirds of the Trustees.

ADOPTED this 19th day of August, 2025, pursuant to the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Signed

Village President

Countersigned:

Village Clerk



Village of WINNETKA, IL

Agenda Item Executive Summary

TITLE: Ordinance No. MC-01-2025 Amending Title 9 of the Winnetka Village Code to Prohibit the Sale of Illicit THC Products and Kratom (Introduction/Adoption)

PRESENTER: Brian O'Connell

AGENDA DATE: August 19, 2025

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:

On April 15th, 2025, staff introduced Ordinance No. MC-01-2025 Amending Title 9 of the Winnetka Village Code to Prohibit the Sale of Illicit THC Products and Kratom, for council consideration. Council deferred this ordinance for the collection of additional information and evaluation.

EXECUTIVE SUMMARY:

In recent years, municipalities have seen a significant increase in the availability and marketing of products containing synthetic or chemically altered forms of tetrahydrocannabinol (THC) and kratom. Although chemically similar to cannabis, products such as THC-O, delta-8 THC, and delta-10 THC are not subject to the production, labeling, and quality standards enforced through licensed cannabis dispensaries under the Compassionate Use of Medical Cannabis Program Act.

These products are increasingly being found in local convenience stores, gas stations, vape shops, and online marketplaces. Many of these substances are marketed as safe, legal alternatives to cannabis, despite evidence suggesting they can pose significant health risks, including hallucinations, seizures, and respiratory distress. Kratom is often marketed as a natural or herbal supplement but has been associated with addiction, withdrawal symptoms, and, in some cases, death. These substances are often consumed by individuals unaware of their potential dangers, leading to increased medical emergency incidents and calls for service.

The Village of Winnetka has observed a rise in the availability and use of unregulated THC derivatives and kratom products within the community. Because these substances are not held to the requirements of licensing, they are permitted to be sold outside of licensed cannabis establishments, contrary to the intent of Illinois' regulated cannabis framework.

Staff is recommending prohibiting sales of illicit THC and kratom products within Village limits, regardless of how they are labeled or marketed. The proposed ordinance would prohibit any product, material, compound, isomer, acid, salt, mixture, or preparation intended for human consumption that is not manufactured or sold by a cannabis business duly licensed under state law.

RECOMMENDATION:

Consider Introduction and Adoption of Ordinance No. MC-01-2025: Amending Title 9 of the Winnetka Village Code to Prohibit the Sale of Illicit THC Products and Kratom.

ATTACHMENTS:

1. Ordinance No. MC-01-2025: Amending Title 9 of the Winnetka Village Code to Prohibit the Sale of Illicit THC Products and Kratom

**AN ORDINANCE AMENDING TITLE 9 OF THE WINNETKA VILLAGE CODE
TO PROHIBIT THE SALE OF ILLICIT THC PRODUCTS AND KRATOM**

WHEREAS, the Village of Winnetka ("***Village***") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, Title 9 of the Winnetka Municipal Code, as amended ("***Village Code***"), sets forth certain regulations protecting the public peace, morals, and welfare of the Village and its residents;

WHEREAS, the Village has noted the proliferation of retail stores selling products containing potentially intoxicating ingredients including synthesized THC and Kratom that are largely unregulated at the state and federal level; and

WHEREAS, the Village has determined that it would be in the best interest of the Village, its residents, and the general health, safety, and welfare of the public, to prohibit the retail sale of products that include synthesized THC and Kratom; and

WHEREAS, the Village desires to amend Title 9 of the Village Code, to add a new Chapter 9.20 prohibiting the sale of illicit THC products and Kratom throughout the Village ("***Proposed Amendment***"); and

WHEREAS, the Village Council has determined that amending Title 9 of the Village Code as set forth in this Ordinance and pursuant to the Village's home rule authority is in the best interests of the Village;

NOW, THEREFORE, the Council of the Village of Winnetka does ordain as follows:

SECTION 1: RECITALS. The recitals in this Ordinance are incorporated into this Section as the findings of the Village Council.

SECTION 2: AMENDMENT TO TITLE 9 OF THE VILLAGE CODE. Title 9, titled "Public Peace, Morals and Welfare," of the Village Code, is hereby amended to add a new Chapter 9.20 titled "Sale of Illicit THC Products and Kratom Prohibited" to read as follows:

**"CHAPTER 9.20 SALE OF ILLICIT THC PRODUCTS AND KRATOM
PROHIBITED**

Section 9.20.010 Definitions.

For the purposes of this Chapter, the following terms have the meanings ascribed to them in this section unless meanings are plainly indicated by the context:

Additions are bold and double-underlined; deletions are struck through

KRATOM: Any parts of the plant mitragyna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine.

ILLICIT THC PRODUCT: Any product, material, compound, isomer, acid, salt, mixture, or preparation:

- A. **Used or intended for human consumption;**
- B. **That is not made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale by cannabis business establishes duly licensed under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.) or the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, et seq.); and**
- C. **That contains: (1) any amount of Synthesized Tetrahydrocannabinol (THC) of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta-8 THC, and delta-10 THC, (2) a Total Delta-9 THC Content concentration level in excess of 0.3% on a dry weight basis, (3) a Total Delta-9 THC Content in excess of 0.5 milligrams per labeled serving or individual unit or 2.5 milligrams per package regardless of the number of labeled servings or individual units therein, or (4) Kratom, as that term is defined in Section 5(a) of the Illinois Kratom Control Act, 720 ILCS 642/5(a), as may be amended.**

SYNTHESIZED THC: Tetrahydrocannabinol synthesized in a laboratory or by industry using directed or biosynthetic chemistry rather than traditional food preparation techniques such as heating or extracting.

TOTAL DELTA-9 THC CONTENT: The value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expressed the potential Total Delta-9 THC Content derived from the sum of the THC and THCA content and reported on a dry weight basis, to be calculated either by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, or by using a liquid chromatograph technique, which keeps the THCA intact, and using the following conversion: $[\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}]$ which calculates the potential total THC in a given sample.

Section 9.20.020 Sale Prohibited.

It is unlawful for any retail establishment to sell, offer for sale, give away, or deliver any illicit THC product or kratom.

Additions are bold and double-underlined; deletions are struck through

Section 9.20.030 Penalties.

Any person or retail business whose agent or employee violates this chapter will be fined not less than \$200.00 and not more than \$750.00 for each offense, and every day on which a violation occurs or continues will be considered a separate and distinct offense. In addition, a violation of this prohibition will be considered a nuisance in fact and a clear and present danger to the public health, safety, or general welfare, constituting grounds for suspension or revocation of a business license pursuant to Section 5.04.140 of this code.”

SECTION 3: SEVERABILITY. If any provision of this Ordinance or part of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance will remain in full force and effect, and will be interpreted, applied, and enforced to achieve, as near as may be possible, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4: EFFECTIVE DATE. This Ordinance will be in full force and effect 90 days after its passage and approval.

[signature page follows]

PASSED this 19th of August, 2025, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2025.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees of
the Village of Winnetka, Illinois,
this ____ day of _____,
2025.

Introduced: April 15, 2025

Passed and Approved:

Additions are bold and double-underlined; ~~deletions are struck through~~



Village of WINNETKA, IL

Agenda Item Executive Summary

TITLE: Resolution No. R-67-2025: Approving and Authorizing the Adoption of the Village of Winnetka 2025 Affordable Housing Plan (Adoption)

PRESENTER: Scott Mangum

AGENDA DATE: August 19, 2025

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:

The Village first adopted an Affordable Housing Plan on March 15, 2005, as provided by the State's Affordable Housing Planning and Appeal Act (AHPAA). Following approval of the Village's home rule referendum on April 5, 2005, the Village passed Ordinance No. M-6-2005 on May 10, 2005, which adopted the current Amended Affordable Housing Plan.

EXECUTIVE SUMMARY:

INTRODUCTION

On August 19, 2025, the Village Council is scheduled to consider Resolution No. R-67-2025 to adopt a Second Amended Affordable Housing Plan in response to an April 1, 2024 notification by the Illinois Housing Development Authority (IHDA) that Winnetka is determined to be a "Non-Exempt Local Government" under AHPAA, requiring the Village to prepare, adopt, and submit an Affordable Housing Plan to IHDA.

Per the law, "non-exempt" municipalities are those that have a population of at least 1,000 and have less than 10% of their housing stock considered affordable. IHDA determines a community's status by first tallying the total number of year-round occupied housing units available to owners and renters at amounts which would be considered affordable per the Act and then dividing that amount against the community's total count of year-round occupied housing units, to generate a percentage referred to as an "Affordable Housing Share".

WINNETKA DATA PER STATEWIDE AFFORDABILITY LISTING REPORT

Per data used in the report (2021 U.S. Census, American Community Survey, 5-year estimates), 3.6% (159) of Winnetka's 4,353 housing units are affordable to homebuyers at 80% of the regional median household income and renters at 60% of the regional median income. Therefore, an additional 277 of those units would need to be affordable to reach 10% of the total housing units (436) and exempt the Village. Winnetka is one of 44 "Non-Exempt Local Government" communities, out of 1298 included in the Statewide Affordability Listing report. This report does not distinguish between home rule and non-home rule units of local government.

AHPAA AFFORDABLE HOUSING PLAN REQUIREMENTS

Staff updated the current Amended Affordable Housing Plan with review of the Village Attorney to include the following eight components identified by AHPAA. The **bold** text below indicates the Section and page location where this information can be found within the Draft Second Amended Affordable Housing Plan (**Attachment 1, Exhibit A**).

1. A statement of the total number of affordable housing units that are necessary to exempt the local government from the operation of the AHPAA. **Section III, 277 units, page 9.**
2. An identification of lands within the jurisdiction that are most appropriate for the construction of affordable housing and of existing structures most appropriate for conversion to, or rehabilitation for, affordable housing, including a consideration of affordable housing for both owner-occupied dwelling units and dwelling units for rent, lands and structures of developers who have expressed a commitment to provide affordable housing, and lands and structures that are publicly or semi-publicly owned. **Section IV, B-1, B-2, C-1, C-2 and C-2 overlay zoning districts, page 10.**
3. Incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdictions. **Section VI, page 12.**
4. A description of any housing market conditions, infrastructure limitations, local government ordinances, including zoning and land use ordinances, local government policies or practices that do not affirmatively further fair housing as defined in the federal Fair Housing Act, and other factors that may constrain the local government's ability to create and preserve affordable housing. **Section II, page 5.**
5. A plan or potential strategies to eliminate or mitigate the constraints identified in item 4. **Section VI, pages 12-13.**
6. One or more of the following goals:
 1. A minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing.
 2. **A minimum of a 5-percentage point increase in the overall percentage of affordable housing within the jurisdiction. Section V, page 12.**
 3. Or a minimum of a total of 10% affordable housing within the jurisdiction as described.
7. Proposed timelines to commence, within the first 24 months after the date upon which the affordable housing plan was adopted, for actions to implement the components of the affordable housing plan. **Section VI, page 13.**
8. Local governments that have previously been determined as a Non-Exempt municipality and that have submitted an affordable housing plan shall also have to include a summary of actions taken to implement the previously submitted plan, as well as a summary of progress made toward achieving the goals of the plan. **Section VII, pages 13-14.**

ADVISORY BOARD/COMMISSION REVIEW

The Plan Commission (PC) considered the Second Amended Affordable Housing Plan on June 25, 2025. **Attachment 2** contains the staff report and minutes from the PC meeting, which summarize the request. After hearing the staff presentation and not receiving any public comment, the Commission discussed the plan. Members discussed data included in the report, requirements under AHPAA, the

relation to the Winnetka Futures 2040 Comprehensive Plan, and options to add housing diversity in the Village. Ultimately, by a vote of 7-1, the Commission recommended approval of the plan.

RECOMMENDATION:

While the Village is home rule and parts of the AHPAA may not be mandatory on the Village because of that home rule status, nevertheless, based on the date of notification, the Village Attorney recommends that the Village prepare and approve an affordable housing plan as may be required by the Act and submit the plan to IHDA on or before October 1, 2025.

The Council may consider approval of Resolution No. R-67-2025.

ATTACHMENTS:

1. Resolution No. R-67-2025: Approving and Authorizing the Adoption of the Village of Winnetka 2025 Affordable Housing Plan
2. June 25, 2025, PC Meeting Staff Report and Meeting Minutes

RESOLUTION NO. R-67-2025

**A RESOLUTION APPROVING AND AUTHORIZING THE ADOPTION OF THE
VILLAGE OF WINNETKA 2025 AFFORDABLE HOUSING PLAN**

WHEREAS, the Village of Winnetka ("***Village***") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to the Illinois Affordable Housing Planning and Appeals Act, 310 ILCS 67/1 *et seq.* ("***Act***"), the Village is required to prepare and adopt an affordable housing plan; and

WHEREAS, on March 15, 2005, the Village adopted its initial affordable housing plan, which plan was subsequently amended on May 10, 2005; and

WHEREAS, the Village President and Board of Trustees desire to further amend and adopt an affordable housing plan that satisfies the requirements of the Act ("***2025 Affordable Housing Plan***"); and

WHEREAS, the Village Council has determined that approving and authorizing the adoption of the 2025 Affordable Housing Plan will serve and be in the best interest of the Village;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council adopts the recitals above as its findings, as if fully set forth in this Section.

SECTION 2: APPROVAL AND ADOPTION OF 2025 AFFORDABLE HOUSING PLAN. The Village Council approves and adopts the 2025 Affordable Housing Plan, in substantially the form attached as ***Exhibit A***.

SECTION 3: FILING OF PLAN WITH IHDA. The Village Clerk is authorized and directed to file a copy of the 2025 Affordable Housing Plan with the Illinois Housing Development Authority, in accordance with Section 25(c) of the Act.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 19th day of August, 2025, pursuant to the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A
2025 AFFORDABLE HOUSING PLAN

VILLAGE OF WINNETKA
SECOND AMENDED AFFORDABLE HOUSING PLAN

Adopted _____, 2025

Exhibit A
Resolution R-67-2025

**VILLAGE OF WINNETKA
AFFORDABLE HOUSING PLAN
As Amended _____, 2025**

I. INTRODUCTION

A. PURPOSE AND INTENT OF THE SECOND AMENDED PLAN

The Village of Winnetka's initial Affordable Housing Plan (the "Initial Plan") was adopted on March 15, 2005, as required by the Affordable Housing Planning and Appeal Act. As noted in footnote 1 of the Initial Plan, the Village Council had placed a home rule referendum on the ballot for the Consolidated Election of April 5, 2005. As a result of that successful referendum, the Village of Winnetka (the "Village") became a home rule municipality.

With becoming a home rule municipality, on May 10, 2005, the Village adopted an Amended Affordable Housing Plan (the "Amended Plan") in order to exercise the Village's home rule authority and to replace and supersede the Initial Plan. As with the Initial Plan, this Amended Plan was in furtherance of the Village's longstanding policy of encouraging and otherwise providing for the development of moderately priced housing for senior citizens and young families. This policy had been formally stated in "The Village of Winnetka 1979 Statement of Community Objectives, An Element of the Comprehensive Plan of the Village of Winnetka, Illinois." In 1988, the policy was expanded and incorporated into Chapter III, Housing, of the Winnetka Comprehensive Plan in 1988 and remained a part of the Winnetka Comprehensive Plan of 1999, *Winnetka 2020*.

All previous statements of the Village's housing policies, including the policy set out in the Initial Plan, have attempted: (i) to balance the Village's need for moderately priced housing with the Village's needs to maintain its existing land use patterns; (ii) to assure conformity with the Village's building and zoning regulations; and (iii) to protect against exceeding the capacity of the Village's infrastructure. Prior to the Village's becoming a home rule municipality in 2005, the Village's ability to implement its housing policies was limited by the lack of adequate powers in the Village Charter of 1869 and the Illinois Municipal Code. The purpose of the Amended Plan was for the Village to exercise its newly acquired home rule powers to reinforce the Village's commitment to encouraging and otherwise providing for the development of moderately priced housing for senior citizens and young families in a manner that addresses and balances all the Village's particular needs and characteristics.

The purpose of adopting this Second Amended Affordable Housing Plan (the "Second Amended Plan") is to more clearly express the Village's continued commitment to complying with the Affordable Housing Planning and Appeal Act, as amended.

B. THE AFFORDABLE HOUSING PLANNING AND APPEAL ACT

The Affordable Housing Planning and Appeal Act (the "Act") became effective on January 1, 2004. The stated purpose of the Act is to “encourage” counties and municipalities to “incorporate affordable housing within their housing stock sufficient to meet the needs of their county or community.”

The Act requires all counties and municipalities that fall within the scope of the Act's definition of "non-exempt" to adopt an Affordable Housing Plan and to submit it to the Illinois Housing Development Authority ("IHDA") within 60 days after the plan is adopted or amended. Under the Act, counties and municipalities in which at least 10% of the total year-round housing units meet the Act's definition of "affordable" are defined as "exempt local governments," as are municipalities with a population of less than 1,000. Exempt local governments are not subject to the Act's plan development requirements.

The Act charges IHDA with the responsibility to administer the Act. IHDA's responsibilities include applying the formulas prescribed by the Act to census data to determine the status of local government units under the Act, as well as annually publishing a list of exempt and non-exempt local governments. Since IHDA's initial publication of such a list, the Village of Winnetka has been listed as a non-exempt community.

As set forth in the Act, the components of an affordable housing plan include:

- a calculation of the total number of affordable housing units that are necessary to bring the percentage of affordable housing units to 10% of the total housing stock,
- an identification of opportunities for the development of affordable housing in the Village,
- a specification of incentives the Village will provide to encourage the creation of affordable housing,
- a description of any housing market conditions, infrastructure limitations, local government ordinance, including zoning and land use ordinance, local government policies or practices that do not affirmatively further fair housing and other factors that may constrain the local government's ability create and preserve affordable housing,
- potential strategies to eliminate or mitigate the constraints identified in the above bullet,
- a statement of a goal for increasing affordable housing units in the Village,

- a proposed timeline to commence, within the first 24 months after the date upon which the affordable housing plan was adopted, for actions to implement components of the affordable housing plan, and
- a summary of actions taken to implement the previously submitted plan, as well as a summary of progress toward achieving the goals of the plans.

The Act identifies three alternative goals from which a municipality may select to achieve compliance:

- A minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in the Act.
- A minimum 5-percentage point increase in the overall percentage of affordable housing within the jurisdiction, as defined by the Act.
- A minimum of a total of 10% affordable housing within the jurisdiction as defined by the Act.

In compliance with the Act, the Village adopted its Initial Plan on March 15, 2005, prior to the statutory deadline of April 1, 2005. In compliance with the Act and after becoming a home-rule community, the Village adopted its Amended Plan on May 10, 2005.

C. EFFECT OF THE HOME RULE REFERENDUM

Given the Village's longstanding policy of seeking to provide affordable housing options for persons with moderate incomes that also serve the particular needs of Winnetka, the Village has used some of the Act's standards as a guide in preparing this Second Amended Plan. However, the Village also recognizes that there is considerable uncertainty over provisions of the Act dealing with local land use decisions and possible loss of local control over those decisions. Specifically, the Village continues to evaluate the nature and scope of the applicability to the Village of the home rule preemption language in Section 70 of the Act. The language is unclear and not as definitive as IDHA has stated in some of its communications with the Village. The Village believes that adoption of this Second Amended Plan is in the best interest of the Village of Winnetka and that all decisions about Winnetka's housing needs and future development should continue to be made by the Village, at the local level. Therefore, the Village has adopted this Plan and provided it to IHDA in compliance with the affordable housing plan requirements in the Act. In so doing, the Village does not relinquish all applicable home rule powers that it may have regarding the applicability of the Act to the Village.

The Village Council has determined that the Village submits this Second Amended Plan to the State in furtherance of the Act and the Village's longstanding policy, as described in Section I.A above and in the following Section II. The Village adopts this Plan in accordance with all applicable law, including the Village's home rule powers and authority, to further the Village's policy supporting affordable housing and to assure the Village and its citizens that local

land use decisions are controlled at the local level and made with sensitivity to the particular characteristics and needs of the Village.

II. HOUSING IN WINNETKA: DEVELOPMENT HISTORY AND HOUSING POLICY

A. GENERAL DEVELOPMENT HISTORY

The Village of Winnetka (the "Village") is a home rule community under Article VII, Section 6 of the Illinois Constitution of 1970. Originally chartered by the State of Illinois on March 10, 1869, the Village is located approximately 17 miles north of downtown Chicago, and is bordered by Lake Michigan on the east, the Village of Glencoe to the north, Cook County Forest Preserve and the Village of Northfield to the west and southwest, and the Village of Kenilworth, the Village of Wilmette and a part of unincorporated Cook County to the south.

The Village covers a geographic area of approximately 3.82 miles, with nearly one-third of its land area located in the floodplain that drains into the Skokie Lagoons and Skokie River in the Cook County Forest Preserve and the Village of Northfield directly west and southwest of the Village.

Relative to other North Shore communities, Winnetka's growth was slow prior to 1900. The population in 1880 was 584, and it grew to 1,079 in 1890 and 1,883 in 1900. After 1900, the Village grew more rapidly and, by 1920 the population had more than tripled to 6,694. Within the next ten years, the population doubled to about 12,000, a level that has remained fairly constant ever since, with the latest census figures in 2020 placing Winnetka's population at 12,746. Most Winnetkans live in owner-occupied, detached single-family homes. According to the 2020 U.S. Census, more than 92.2% of all housing units in Winnetka are detached single-family units, and only 7.8% of all occupied housing units, whether single-family or multi-family, are renter-occupied.

Most of the Village was developed before 1930, prior to the use of the automobile as the primary mode of transportation, so the layout of the Village has a pedestrian orientation. The Village's main transportation corridor is Green Bay Road (the "Green Bay Corridor"), which runs through the length of the Village, from the northwest to the southeast, parallel to Metra's Union Pacific North Line right-of-way (formerly the Chicago & North Western Railway). A key feature of the Green Bay Corridor is the railroad right-of-way, which descends from grade level as it enters Winnetka from the north to below grade at the Hubbard Woods and Elm Street stations, and gradually ascends to the Indian Hill station, which is above grade near the Village's southern border.

The railroad right-of-way project, completed in 1943, reinforced the development of the Village's three distinct local commercial shopping districts along the Green Bay Corridor, with the Hubbard Woods shopping district at the north end of the Village and the Indian Hill shopping district at the south end. The Village's main commercial district grew up in the center of the

Village, on both the east and west sides of the Green Bay Corridor near the Elm Street station. The main link between the east and west portions of the Elm Street commercial district is the Elm Street Bridge, at the north end of the Elm Street station platform. Winnetka's Village Hall is located opposite the Elm Street station on the west side of Green Bay Road, and the Winnetka Police Department, the Winnetka Fire Department, the Winnetka Public Library, and the United States Post Office are in close proximity.

Public open space in the Village is concentrated either adjacent or in close proximity to the many schools in the Village, in the public parks that provide access from the bluff-top open areas to the beaches and other public areas along Lake Michigan below, and in a large recreational area in the floodplain at the western edge of the Village, adjacent to the Cook County Forest Preserves. Only a small portion of the public open space is owned by the Village: (i) the Village Green; (ii) the Chestnut Court median strip located at the west entrance of Village Hall and known as Moffatt Mall; (iii) a small, irregularly shaped green parcel sometimes referred to as Sheridan Park, located on the west side of Maple Street due south of the intersection of Maple Street and Sheridan Road; (iv) the now-closed Village landfill and an adjacent corner parcel that collects and drains floodwaters; and (v) the Green Bay Trail, which is a recreational cycling and pedestrian path that the Village purchased when the Chicago & North Western Railway abandoned its freight line. Both the Village Green and the Green Bay Trail are leased to the Winnetka Park District. All of the other public open space in the Village is owned by the Winnetka Park District, the Winnetka Public Schools or New Trier Township High School.

The boundaries of the Village have been relatively fixed since the last significant annexations occurred in the late 1980's. That annexation comprised an existing single-family development adjacent to the privately-owned Indian Hill Country Club. There is no undeveloped land adjacent to the Village other than the Cook County Forest Preserve, so there is no land potentially available for annexation and new single-family development. As a result, most of the development in the Village now consists of the redevelopment of existing properties, the vast majority of which is one-for-one replacement of single-family, owner-occupied homes.

The development of affordable housing in the Village faces several significant challenges. As previously noted, there is limited availability of undeveloped and municipally owned land. Additionally, Winnetka's location as a highly desirable lakefront community with three unique shopping districts developed around train stations contributes to high land values, strong housing demand, and elevated prices for both owner-occupied and rental properties. Construction costs also remain high. In essence, broader market forces, particularly the cost of land and construction, are driving these constraints. While Winnetka's desirable location and unique character make it a popular place to live, this very demand is also contributing to rising housing prices.

B. HOUSING POLICY

The Village has had a longstanding policy of favoring the development of affordable housing options so that persons with moderate incomes, particularly senior citizens and young

families, can enjoy the benefits of living in the Village and so that Village residents can enjoy the benefits that a diversity of housing stock can bring to the community. The Village's efforts at implementing that policy have occurred as development opportunities have arisen, with the Village attempting to maintain a balance between the worthy objectives of that housing policy and such other important Village policies as the policy of maintaining the Village's single-family home character and the policy of assuring that land use development and redevelopment are compatible with the capacity of existing infrastructure.

The Village's housing policies have been stated in its comprehensive plans, the first of which was adopted in 1921 (the "1921 Plan"). The 1921 Plan encouraged the development of the three commercial districts, each anchored by one of the three train stations. The 1921 Plan provided for a "concentric" development arrangement, with denser uses, such as apartment buildings, being placed within or next to the three Village centers and smaller subdivisions of single-family residences within reasonable walking distance of the railroad stations. Larger residential lots are located farther from the stations. The basic land use pattern established by the 1921 Plan was reflected in the Village's first Zoning Ordinance, passed in 1922, and has been maintained ever since.

The Village's policy regarding the development of moderately priced housing was first articulated in the 1979 Statement of Community Objectives, which contained a statement acknowledging the importance "of the community's recognition of the need to facilitate housing for those who contribute to [the community's] well-being – public employees, storekeepers and retirees." The housing policies in the 1979 Statement of Community Objectives included the policy of encouraging and assisting in the provision of moderately priced residences in the Village, especially for those who already live or work in the Village, and the policy of facilitating the provision of housing for senior citizens who live in the Village but who no longer need or can no longer afford single-family residences.

In furtherance of the policies stated in the 1979 Statement of Community Objectives, the housing chapter of Winnetka's second Comprehensive Plan included a discussion of the need to provide alternative housing for older, long-term residents of the Village who no longer wish to live in and maintain their single-family homes.

The Village's third comprehensive plan, *Winnetka 2020*, which was formally adopted by the Winnetka Village Council in 1999, included a general housing policy consistent with the Village's prior policy statements. *Winnetka 2020* identified a community need for more housing options for senior citizens and young families, recognized not only that multi-family residential buildings provide homes for older residents and those with modest incomes, but also that rental units provide an important element of diversity in housing options. Thus, one of the stated goals of *Winnetka 2020* was to ensure that multi-family development provides a variety of housing choices for residents of all ages.

Winnetka 2020 noted the need to provide multi-family options in the Village for older couples looking for housing alternatives in the Village as well as the possibility of bringing an assisted-care facility for senior citizens to Winnetka. However, because of the relatively small

number of areas that are suitable for multi-family development, *Winnetka 2020* anticipated only limited new development of multi-family housing, with such development being either as a component of a mixed-use building within a business district or along certain portions of Green Bay Road.

The Village's current housing policy is guided by the community's fourth comprehensive plan, *Winnetka Futures 2040 Plan*, which the Winnetka Village Council adopted in 2023. The Winnetka Futures 2040 Plan includes in its vision statement that the community is committed to "housing for all stages of one's life". A goal of the plan states that

"The Village will continue to explore housing diversity and address the housing gap to provide a supply that supports changing demographic needs and ensures a variety of product types, options, and costs available to seniors, empty nesters, families, and young residents.

As with the Winnetka 2020 plan, the Village identifies the limited opportunities for this housing diversity coming in the form of multi-family housing in either mixed-use buildings within the three business districts or along certain portions of Green Bay Road.

In addition, because of the proximity of the commercial and multi-family areas to the Village's single-family neighborhoods, the Winnetka Futures 2040 Plan notes that any new development should be appropriate to the character of the surrounding neighborhoods and that an effort must be made to provide an appropriate transition to adjacent single-family neighborhoods and to minimize the adverse impact of any new development on its surrounding neighborhood.

Based on all of the foregoing, and both in furtherance of the goals of *Winnetka 2020* and in compliance with the Act, the Initial Plan stated that it was the policy of the Village of Winnetka to encourage an increase in moderately priced housing options for senior citizens and young families by encouraging the development of affordable housing in conjunction with new development and redevelopment of commercial and multi-family properties. Nevertheless, while this Second Amended Plan reaffirms the Village's affordable housing policy, as stated in the Initial Plan, it is the intention of the Village, in the exercise of its home rule powers, to establish detailed goals and steps for implementing the Village's policy. The remaining sections of this Second Amended Plan retain portions of the Initial Plan and Amended Plan, although it is the intent of the Village to reconsider and amend any or all of those sections as the Village deems necessary to reflect the specific needs and characteristics of the Village disclosed by further and continuing study.

III. AFFORDABLE HOUSING UNITS IN WINNETKA

This Second Amended Plan has been developed using the Act as a guide and encourages the continued study of affordable housing issues by the Village. This Amended Plan shall supersede and replace the previous affordable housing plans.

As defined in Section 15 of the Affordable Housing Planning and Appeal Act, "affordable housing" is "housing that has a sales price or rental amount that is within the means of a household that may occupy moderate-income or low-income housing." The Act defines affordable dwelling units for sale as "housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit." Under the Act, affordable dwelling units for rent are defined as "housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit."

The Act uses United States Department of Housing and Urban Development standards to define moderate and low-income housing. Under the Act, moderate income housing is housing that is occupied, reserved, or marketed for occupancy by households with a gross household income that is more than 50% but does not exceed 80% of the area median household income. Low-income housing, as defined in the Act, is housing that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50% of the area median household income. IHDA has based its most recent determination of affordable sales and rental prices in the Chicago-Naperville-Elgin, IL-IN-WI metropolitan statistical area on a median household income of \$78,790.00, as reported in the most recent available Census data – 5-Year American Community Survey (ACS) 5-Year Estimates (2017-2021).

IHDA provided the Village of Winnetka with the following assessment of housing affordability in the Village based upon its calculations it performed near the end of 2023:

For-sale units		Rental units		Total for-sale & rental units		
Affordable Home Purchase Price	# of Affordable Owner Units	Affordable Monthly Renter Payment	# of Affordable Rental Units	Total # of Affordable Units	Total # of All Units	% of Affordable Units
\$171,490	105	\$1,182	54	159	4,353	3.60%

IDHA uses the above numbers to determine whether 10% or more of a community's housing stock is considered affordable.

However, it should be noted both HUD and IDHA consider housing size when determining housing affordability for a household. According to information published by IHDA in 2023 on affordability standards in the Chicago metropolitan area (see tables on next page), the prices for affordable owner-occupied units range from \$171,667 for a one-person occupancy to \$323,611 for an eight-person occupancy, with annual income limits ranging from \$61,800 for a one-person occupancy and \$116,500 for an eight-person occupancy. An affordable

owner-occupied unit for four-person household with an annual income of \$88,250 would be no greater than \$245,139.

There will also be a range of affordable rents, which are based on income limits ranging from \$38,625 for a one-person household to \$72,812 for an eight-person household. Affordable rents for rental units, which must also include utility costs, will therefore range from a total of \$1,159 per month for a studio to \$2,118 for a five-bedroom.

Owner Occupied Affordability Chart for Chicago Metro Area (Cook, DuPage, Kane, Lake, McHenry, Will Counties)								
	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
2023 Income Limits (80% AMI)	\$61,800	\$70,600	\$79,450	\$88,250	\$95,350	\$102,400	\$109,450	\$116,500
Affordable Purchase Price	\$171,667	\$196,111	\$220,694	\$245,139	\$264,861	\$284,444	\$304,028	\$323,611
<i>Please Note: The Above chart uses 2023 income limits. Municipalities must make sure they are using the most current income limits (available on IHDA's website: www.ihda.org).</i>								

Affordable Rental Units for Chicago Metro Area (Cook, DuPage, Kane, Lake, McHenry, Will Counties)						
	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom
2023 Affordable Rent Limits for HH @ 60% AMI	\$1,159	\$1,242	\$1,489	\$1,721	\$1,920	\$2,118
<i>Please Note: The above chart uses 2023 rental limits. Municipalities must make sure they are using the most current rental limits (available on IHDA's website: www.ihda.org).</i>						

According to the 5-Year American Community Survey (ACS) 5-Year Estimates (2019-2023), the median housing value of owner-occupied units, as estimated by the Census Bureau, was \$1,206,300. The Multiple Listing Service of Northern Illinois (MLSNI) reports that the median sales price for single-family detached homes in Winnetka in 2023 was \$1,675,000, and that the median sales price for single-family attached units during the same period was \$437,000. Census data indicate that the median gross rent was \$1,750 per month in 2023.

Based on IHDA's analysis of the total number of housing units in the Village, to have 10% of all housing units meet affordability standards, the Village would need a total of 436 affordable units. Meeting the 10% goal would thus necessitate the development of an additional 277 affordable housing units. However, because there are discrepancies in both the census data and IHDA's determination, and because IHDA based its determination on fixed assumptions as to income and housing costs, rather than on the range that census data indicate would exist if a detailed study were done, the Village is using IHDA's data in this Second Amended Plan solely for the limited purpose of establishing the Village's goals, incentives and steps for implementation, as stated in this Second Amended Plan.

IV. IDENTIFICATION OF LANDS AND STRUCTURES MOST APPROPRIATE FOR AFFORDABLE HOUSING

As disclosed by the description of the Village's land use patterns in Section II of this Second Amended Plan and by the housing data reported in Section III of this Amended Plan, more than 80% of the Village's housing stock is single-family residential, and the vast majority of the single-family homes are owner-occupied. According to IHDA's determination, only 105 of the ownership housing units meet the Act's definition of what is affordable. Given that initial determination, and given that the median and average sales prices of detached single-family homes in Winnetka far exceed the range of affordable sales prices established by IHDA, the Village has concluded that attempting to meet the Act's goals with detached single-family residential properties is not realistic and that money and resources directed toward encouraging the development of affordable rental units are likely to result in more affordable units than if the same amount of money and resources were directed toward the development of affordable owner-occupied units.

Rental apartments exist in both the multi-family and commercial zoning districts. The multi-family zoning districts also provide the opportunity for the development of town homes and moderately priced condominiums that could provide ownership opportunities for senior citizens who wish to down-size from larger homes, but still remain in Winnetka.

Therefore, the Village of Winnetka designates all B-1, B-2, C-1, C-2 and C-2 overlay zoning districts as the most appropriate areas for the development of affordable housing units.

The designation of these zoning districts as being suitable for affordable housing does not alter existing development requirements, which have been put in place to govern all development in the Village, so as to assure that no development places an undue burden on the Village's infrastructure or public safety resources, and to assure that all development is compatible with its surroundings. More specifically, proposed affordable developments will be treated as any other development in the Village and therefore must meet all of the following requirements:

- (a) Proposed developments must be consistent with the Village's established land use patterns and development and land use goals, as defined in the Winnetka Comprehensive Plan, *Winnetka Futures 2040 Plan* and the Winnetka Zoning Ordinance, particularly with regulations that define the permitted uses in each zoning district and with the requirement that the first floor of buildings in the C-1, C-2 and C-2 overlay zoning districts be limited to specified commercial uses;
- (b) Proposed developments must comply with applicable zoning and development standards and regulations as set forth in the Winnetka Zoning Ordinance, the Winnetka Subdivision Ordinance and other provisions of the Winnetka Village Code;

- (c) Proposed developments must be in locations where the infrastructure is adequate to support the proposed use; and
- (d) Proposed developments must strictly comply with all floodplain regulations and with all building code, structural, fire and life safety requirements.

The Village has considered, but rules out, identifying its limited open spaces as possible locations for affordable housing developments. The Village has also determined that there are no privately owned open lands outside of the commercial and multi-family zoning districts that are of sufficient size to accommodate more than one unit of housing without requiring changing the basic zoning classification from single-family to multi-family. Open space owned by the Winnetka Park District is also unsuitable for a variety of reasons. First, most park lands are used on a nearly daily basis for recreational activities by the Village's citizens, schools and organizations. The loss of those resources would be a detriment to the community as a whole and would be contrary to the goals and objectives stated in *Winnetka Futures 2040 Plan*. Second, many of the parks consist of public beach and boat landing areas at the edge of Lake Michigan below open space on top of the adjacent bluffs and are therefore not suitable for residential development of any kind. Third, some parks, such as the Skokie Playfields, are located in the flood plain which, if developed for residential purposes, not only would require special engineering solutions, but also would create additional impervious surfaces. Thus, construction of additional housing of any kind in these areas would require extensive modification of the Village's stormwater management infrastructure to avoid exacerbating the flood risks that already exist in adjacent single-family areas.

V. AFFORDABLE HOUSING GOAL

The Act requires a non-exempt community to select one or more the following goals as its affordable housing goal(s):

- a. A minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in the Act.
- b. A minimum of a 5-percentage point increase in the overall percentage of affordable housing within the jurisdiction as defined by the Act.

Based upon IHDA's calculations, 3.6% of the housing units in the Village are affordable. To meet this goal, the overall percentage of affordable housing units would need to increase to 8.6%. Based upon the numbers currently used by IHDA, the number of affordable housing units in the community would need to increase from the existing 159 units to 375 units, an increase of 216 units.

- c. Or a minimum of a total of 10% affordable housing within the jurisdiction as defined by the Act.

As previously noted in this plan, Winnetka would need to have 436 affordable units in the community to achieve this goal, which would require an increase of 277 affordable units.

In its Initial Plan, the Village established an affordable housing goal of encouraging that 15% of all new development in the Village would be affordable, and in its Amended Plan did not specify a particular goal. In this Second Amended Plan the Village identifies the following as its affordable housing goal:

- a. A 5-percentage point increase in the overall percentage of affordable housing within the Village over the number of affordable units calculated by IHDA pursuant to Section 20(b) of the Act.

VI. INCENTIVES AND IMPLEMENTATION

The Village may, after a careful review to ensure that its public safety, health, character and environment will be protected and preserved, consider adopting and implementing or otherwise facilitating, one or more of the following policies and incentives to encourage the development of affordable housing by both for-profit and non-profit developers:

- 1) Expedite permit processing for affordable units.
- 2) Reduce costs of certain permit fees for affordable units.
- 3) Municipal property tax abatements for affordable units.
- 4) Cooperation with developers attempting to use IHDA Trust Funds (matching funds)
- 5) Supporting efforts of employers to provide employer-assisted housing.
- 6) Serve as a conduit to assist affordable housing developers in locating funding for affordable units.

The Village Council has found that the Winnetka Plan Commission is best suited to continue the Village's analysis of its affordable housing needs, to monitor and report to the Village Council on the implementation of the Village's Second Amended Plan, and to make findings and recommendations to the Village Council concerning the details of the various components of the Village's affordable housing policies. The Plan Commission reviewed and recommended approval of the comprehensive plan, Winnetka Futures 2040 Plan, which included goals and initiatives related to housing and affordable housing. The Plan Commission is therefore directed to study and to report their findings and recommendations to the Village

Council on all aspects of this Second Amended Plan. The general scope of the Plan Commission's study shall include, but not be limited to the following:

- Identifying the particular housing and demographic characteristics and needs of the Village by continuing to conduct studies of housing statistics in the Village, including the number and types of dwelling units, the purchase or rental costs of such units, and the overall housing costs, including utilities and the like, for such units; and
- Expanding the study of potential development incentives to include land use and development tools and incentives and implementation programs used in other home rule municipalities.
- Making recommendations to the Village Council, based on the data and information collected in the Plan Commission's study, including, but not limited to:
 - Recommending such other and further amendments to this Second Amended Plan as the Plan Commission deems necessary and appropriate to fully reflect the results of the Plan Commission's studies;
 - Recommending potential amendments to the Winnetka Zoning Ordinance and other provisions of the Winnetka Village Code, so as to increase the opportunities to successfully implement the Village's affordable housing policies; and
 - Recommending such amendments to the Village's comprehensive plan, Winnetka Futures 2040 Plan, as the Plan Commission may determine are necessary to incorporate this Second Amended Plan.

The Plan Commission is directed to submit periodic reports to the Village Council, particularly when the Plan Commission has completed its study and recommendations on any of the foregoing study areas. The Plan Commission shall report back to the Village Council by January 1, 2027, with a status report and proposed timetable for completing its study.

VII. Summary of Actions Taken to Implement Previous Plans

In furtherance of those incentives, the Initial Plan directed the Village Manager to report and make recommendations to the Village Council on proposed fee reductions to encourage and attract affordable housing developments to the Village, with those recommendations being submitted for consideration during the Village Council's deliberations on the 2006-07 Fiscal Year budget cycle.

Since adoption of the Initial Plan and the Amended Plan, the Village Council has taken the following actions:

- The Council adopted Ordinance MC-8-2005, allowing for planned developments in the Village's multi-family family zoning districts (B-1 & B-2) and mixed-use zoning district (C-1 & C-2) that provide for additional development flexibility including increased density to achieve the goals of the Village of Winnetka Affordable Housing Plan. The

planned development regulations were further amended by ordinance MC-02-2019, which retained the affordable housing density bonus provision.

- The Council adopted Ordinance MC-07-2011 creating property maintenance regulations for all non-single-family development in the community and thus helping to ensure that properties available for the establishment and preservation of varying types of housing units are properly maintained and preserved. With the adoption of Ordinance MC-05-2019, the Council extended these standards to single-family homes.
- The Council adopted Ordinance MC-01-2012, relaxing restrictions on coach houses to allow property owners to return previously used coach houses to the Village's housing stock as part of the Village's commitment to housing diversity.
- The Council adopted Ordinance MC-02-2015, amending the Village Zoning Ordinance to, among other things, provide for reduced and more flexible off-street parking requirements regulations for mixed use development (including developments with diverse housing stocks) within the Village's commercial districts.
- With the adoption of its Amended Affordable Housing Plan, the Council directed the Village Plan Commission to continue the Village's analysis of its affordable housing needs, to monitor and report to the Village Council on the implementation of the Village's Amended Plan, and to make findings and recommendations to the Council concerning the details for the various components of the Village's affordable housing policies.
- In 2011, the Village Council considered the policy issues raised by the Village Plan Commission's comprehensive five years of work and its culminating affordable housing report titled "Reinvigorating a Tradition of Varied, Moderately Priced and Affordable Housing: A Report to the Village Council, and the companion 2010 demographic and housing study prepared in cooperation with the Nathalie P. Voorhees Center at the University of Illinois at Chicago, titled "Winnetka Affordable Housing Study, A study of Housing Condition and Needs". The Village's adoption of Ordinances MC-7-2011 and MC-1-2012 were a direct result of the Commission's recommendations and related studies presented to the Village Council. However, the Village Council at that time concluded that given the condition of the economy, the cost of land, and the lack of meaningful development opportunities in the Village, the Council need not further amend the Village's Amended Affordable Housing Plan.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: SCOTT MANGUM, DIRECTOR
DATE: JUNE 18, 2025
SUBJECT: 2025 SECOND AMENDED AFFORDABLE HOUSING PLAN

INTRODUCTION

On June 25, 2025, the Plan Commission is scheduled to hold a public hearing to consider an Amended Affordable Housing Plan for the Village of Winnetka, as provided under the State of Illinois Affordable Housing Planning and Appeal Act (AHPAA) for a Non-Exempt Local Government. The Plan Commission may make a recommendation to the Village Council, which may adopt an updated Affordable Housing Plan for submittal to the Illinois Housing Development Authority (IHDA).

The public hearing was properly noticed in the *Winnetka Talk* on June 5, 2025. As of the date of this memo, staff has not received any written comments from the public regarding this matter.

The Village Council has final jurisdiction on approving an Amended Affordable Housing Plan.

AHPAA BACKGROUND

On April 1, 2024, the Village was notified by the Illinois Housing Development Authority (IHDA) that it is determined to be a “Non-Exempt Local Government” under the Affordable Housing Planning and Appeal Act (AHPAA), requiring the Village to prepare, adopt, and submit an Affordable Housing Plan to IHDA. While the Village is home rule and parts of the AHPAA may not be mandatory on the Village because of that home rule status, nevertheless, based on the date of notification, the Village Attorney recommends that the Village prepare and approve an affordable housing plan as may be required by the Act and submit the plan to IHDA on or before October 1, 2025.

In 2003, the Illinois General Assembly passed AHPAA to address the shortage of affordably priced, accessible, safe, and sanitary housing in communities across Illinois. As in 2003, the growth in home purchase and rental price values continues to outpace relative growth in household income throughout the state. This ongoing situation leads to challenges in households finding housing near to their places of employment, and for retirees continuing to reside in their preferred communities.

The law established a process for identifying communities with the most acute shortages of local housing stock available at an amount which would be affordable to: Homebuyers at 80% of the regional median household income and Renters at 60% of the regional median household income. The AHPAA defines “affordable housing” as housing that costs no more than 30% of the occupier’s gross annual income (e.g. for owner-occupied housing, the costs include the mortgage, taxes, insurance, and condominium fees; for rental housing, the costs include rent, utilities, and landlord-imposed fees).

Per the law, “non-exempt” municipalities are those that have a population of at least 1,000 and have less than 10% of their housing stock considered affordable. IHDA determines a community’s status by first tallying the total number of year-round occupied housing units available to owners and renters at amounts which would be considered affordable per the Act and then dividing that amount against the community’s total count of year-round occupied housing units, to generate a percentage referred to as an “Affordable Housing Share”.

Winnetka Data per Statewide Affordability Listing report

Per data used in the report (2021 U.S. Census, American Community Survey, 5-year estimates), 3.6% (159) of Winnetka’s 4,353 housing units are affordable to homebuyers at 80% of the regional median household income and renters at 60% of the regional median income. Winnetka is one of 44 “Non-Exempt Local Government” communities, out of 1298 included in the Statewide Affordability Listing report. This report does not distinguish between home rule and non-home rule units of local government.

AHPAA AFFORDABLE HOUSING PLAN REQUIREMENTS

When preparing the AHPAA affordable housing plan, local governments which have been previously designated as Non-Exempt must include the below, at a minimum, within their plans. The **bold** text below indicates the Section and page location where this information can be found within the Draft Second Amended Affordable Housing Plan (**Attachment A**).

- 1) A statement of the total number of affordable housing units that are necessary to exempt the local government from the operation of the AHPAA. **Section III, 277 units, page 9.**
- 2) An identification of lands within the jurisdiction that are most appropriate for the construction of affordable housing and of existing structures most appropriate for conversion to, or rehabilitation for, affordable housing, including a consideration of affordable housing for both owner-occupied dwelling units and dwelling units for rent, lands and structures of developers who have expressed a commitment to provide affordable housing, and lands and structures that are publicly or semi-publicly owned. **Section IV, B-1, B-2, C-1, C-2 and C-2 overlay zoning districts, page 10.**
- 3) Incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdictions. **Section VI, page 12.**
- 4) A description of any housing market conditions, infrastructure limitations, local government ordinances, including zoning and land use ordinances, local government policies or practices that do not affirmatively further fair housing as defined in the federal Fair Housing Act, and other factors that may constrain the local government’s ability to create and preserve affordable housing. **Section II, page 5.**
- 5) A plan or potential strategies to eliminate or mitigate the constraints identified in item 4. **Section VI, pages 12-13.**
- 6) One or more of the following goals:
 - a. A minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing.
 - b. **A minimum of a 5-percentage point increase in the overall percentage of affordable housing within the jurisdiction. Section V, page 12.**

- c. Or a minimum of a total of 10% affordable housing within the jurisdiction as described.
- 7) Proposed timelines to commence, within the first 24 months after the date upon which the affordable housing plan was adopted, for actions to implement the components of the affordable housing plan. **Section VI, page 13.**
- 8) Local governments that have previously been determined as a Non-Exempt municipality and that have submitted an affordable housing plan shall also have to include a summary of actions taken to implement the previously submitted plan, as well as a summary of progress made toward achieving the goals of the plan. **Section VII, pages 13-14.**

PROPOSED AMENDED AFFORDABLE HOUSING PLAN

The 2005 Amended Affordable Housing Plan was updated by the previous Community Development Director with review by the Village Attorney and is included as **Attachment A**, Draft Second Amended Affordable Housing Plan. Staff believes that this update meets the minimum requirements of AHPAA.

FINDINGS & RECOMMENDATION

The Plan Commission is to consider whether or not the Second Amended Affordable Housing Plan is consistent with the minimum requirements of the AHPAA.

After hearing from the Applicant and the public, the Commission may decide to take action on one or two options:

- 1) Continue the public hearing to a specific date to provide staff with additional time to address questions and comments from the Commission or the public; or
- 2) Consider a motion recommending approval the Second Amended Affordable Housing Plan.

Move to recommend **approval** of the Second Amended Affordable Housing Plan.

[If the Commission chooses to place specific suggested revisions as part of its recommendation of approval, it will want to include the suggested revisions here.]

ATTACHMENTS

Attachment A: Draft Second Amended Affordable Housing Plan

Attachment B: AHPAA 2023 Non-Exempt Local Government Handbook, March 6, 2025 version

Attachment C: AHPAA Frequently Asked Questions

Attachment D: 2005 Amended Affordable Housing Plan

ATTACHMENT A

**VILLAGE OF WINNETKA
SECOND AMENDED AFFORDABLE HOUSING PLAN**

Adopted _____, 2025

**Exhibit A
Ordinance M-____-2025**

**VILLAGE OF WINNETKA
AFFORDABLE HOUSING PLAN
As Amended _____, 2025**

I. INTRODUCTION

A. PURPOSE AND INTENT OF THE SECOND AMENDED PLAN

The Village of Winnetka's initial Affordable Housing Plan (the "Initial Plan") was adopted on March 15, 2005, as required by the Affordable Housing Planning and Appeal Act. As noted in footnote 1 of the Initial Plan, the Village Council had placed a home rule referendum on the ballot for the Consolidated Election of April 5, 2005. As a result of that successful referendum, the Village of Winnetka (the "Village") became a home rule municipality.

With becoming a home rule municipality, on May 10, 2005, the Village adopted an Amended Affordable Housing Plan (the "Amended Plan") in order to exercise the Village's home rule authority and to replace and supersede the Initial Plan. As with the Initial Plan, this Amended Plan was in furtherance of the Village's longstanding policy of encouraging and otherwise providing for the development of moderately priced housing for senior citizens and young families. This policy had been formally stated in "The Village of Winnetka 1979 Statement of Community Objectives, An Element of the Comprehensive Plan of the Village of Winnetka, Illinois." In 1988, the policy was expanded and incorporated into Chapter III, Housing, of the Winnetka Comprehensive Plan in 1988 and remained a part of the Winnetka Comprehensive Plan of 1999, *Winnetka 2020*.

All previous statements of the Village's housing policies, including the policy set out in the Initial Plan, have attempted: (i) to balance the Village's need for moderately priced housing with the Village's needs to maintain its existing land use patterns; (ii) to assure conformity with the Village's building and zoning regulations; and (iii) to protect against exceeding the capacity of the Village's infrastructure. Prior to the Village's becoming a home rule municipality in 2005, the Village's ability to implement its housing policies was limited by the lack of adequate powers in the Village Charter of 1869 and the Illinois Municipal Code. The purpose of the Amended Plan was for the Village to exercise its newly acquired home rule powers to reinforce the Village's commitment to encouraging and otherwise providing for the development of moderately priced housing for senior citizens and young families in a manner that addresses and balances all the Village's particular needs and characteristics.

The purpose of adopting this Second Amended Affordable Housing Plan (the "Second Amended Plan") is to more clearly express the Village's continued commitment to complying with the Affordable Housing Planning and Appeal Act, as amended.

B. THE AFFORDABLE HOUSING PLANNING AND APPEAL ACT

The Affordable Housing Planning and Appeal Act (the "Act") became effective on January 1, 2004. The stated purpose of the Act is to “encourage” counties and municipalities to “incorporate affordable housing within their housing stock sufficient to meet the needs of their county or community.”

The Act requires all counties and municipalities that fall within the scope of the Act's definition of "non-exempt" to adopt an Affordable Housing Plan and to submit it to the Illinois Housing Development Authority ("IHDA") within 60 days after the plan is adopted or amended. Under the Act, counties and municipalities in which at least 10% of the total year-round housing units meet the Act's definition of "affordable" are defined as "exempt local governments," as are municipalities with a population of less than 1,000. Exempt local governments are not subject to the Act's plan development requirements.

The Act charges IHDA with the responsibility to administer the Act. IHDA's responsibilities include applying the formulas prescribed by the Act to census data to determine the status of local government units under the Act, as well as annually publishing a list of exempt and non-exempt local governments. Since IHDA's initial publication of such a list, the Village of Winnetka has been listed as a non-exempt community.

As set forth in the Act, the components of an affordable housing plan include:

- a calculation of the total number of affordable housing units that are necessary to bring the percentage of affordable housing units to 10% of the total housing stock,
- an identification of opportunities for the development of affordable housing in the Village,
- a specification of incentives the Village will provide to encourage the creation of affordable housing,
- a description of any housing market conditions, infrastructure limitations, local government ordinance, including zoning and land use ordinance, local government policies or practices that do not affirmatively further fair housing and other factors that may constrain the local government's ability create and preserve affordable housing,
- potential strategies to eliminate or mitigate the constraints identified in the above bullet,
- a statement of a goal for increasing affordable housing units in the Village,

- a proposed timeline to commence, within the first 24 months after the date upon which the affordable housing plan was adopted, for actions to implement components of the affordable housing plan, and
- a summary of actions taken to implement the previously submitted plan, as well as a summary of progress toward achieving the goals of the plans.

The Act identifies three alternative goals from which a municipality may select to achieve compliance:

- A minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in the Act.
- A minimum 5-percentage point increase in the overall percentage of affordable housing within the jurisdiction, as defined by the Act.
- A minimum of a total of 10% affordable housing within the jurisdiction as defined by the Act.

In compliance with the Act, the Village adopted its Initial Plan on March 15, 2005, prior to the statutory deadline of April 1, 2005. In compliance with the Act and after becoming a home-rule community, the Village adopted its Amended Plan on May 10, 2005.

C. EFFECT OF THE HOME RULE REFERENDUM

Given the Village's longstanding policy of seeking to provide affordable housing options for persons with moderate incomes that also serve the particular needs of Winnetka, the Village has used some of the Act's standards as a guide in preparing this Second Amended Plan. However, the Village also recognizes that there is considerable uncertainty over provisions of the Act dealing with local land use decisions and possible loss of local control over those decisions. Specifically, the Village continues to evaluate the nature and scope of the applicability to the Village of the home rule preemption language in Section 70 of the Act. The language is unclear and not as definitive as IDHA has stated in some of its communications with the Village. The Village believes that adoption of this Second Amended Plan is in the best interest of the Village of Winnetka and that all decisions about Winnetka's housing needs and future development should continue to be made by the Village, at the local level. Therefore, the Village has adopted this Plan and provided it to IHDA in compliance with the affordable housing plan requirements in the Act. In so doing, the Village does not relinquish all applicable home rule powers that it may have regarding the applicability of the Act to the Village.

The Village Council has determined that the Village submits this Second Amended Plan to the State in furtherance of the Act and the Village's longstanding policy, as described in Section I.A above and in the following Section II. The Village adopts this Plan in accordance with all applicable law, including the Village's home rule powers and authority, to further the Village's policy supporting affordable housing and to assure the Village and its citizens that local

land use decisions are controlled at the local level and made with sensitivity to the particular characteristics and needs of the Village.

II. HOUSING IN WINNETKA: DEVELOPMENT HISTORY AND HOUSING POLICY

A. GENERAL DEVELOPMENT HISTORY

The Village of Winnetka (the "Village") is a home rule community under Article VII, Section 6 of the Illinois Constitution of 1970. Originally chartered by the State of Illinois on March 10, 1869, the Village is located approximately 17 miles north of downtown Chicago, and is bordered by Lake Michigan on the east, the Village of Glencoe to the north, Cook County Forest Preserve and the Village of Northfield to the west and southwest, and the Village of Kenilworth, the Village of Wilmette and a part of unincorporated Cook County to the south.

The Village covers a geographic area of approximately 3.82 miles, with nearly one-third of its land area located in the floodplain that drains into the Skokie Lagoons and Skokie River in the Cook County Forest Preserve and the Village of Northfield directly west and southwest of the Village.

Relative to other North Shore communities, Winnetka's growth was slow prior to 1900. The population in 1880 was 584, and it grew to 1,079 in 1890 and 1,883 in 1900. After 1900, the Village grew more rapidly and, by 1920 the population had more than tripled to 6,694. Within the next ten years, the population doubled to about 12,000, a level that has remained fairly constant ever since, with the latest census figures in 2020 placing Winnetka's population at 12,746. Most Winnetkans live in owner-occupied, detached single-family homes. According to the 2020 U.S. Census, more than 92.2% of all housing units in Winnetka are detached single-family units, and only 7.8% of all occupied housing units, whether single-family or multi-family, are renter-occupied.

Most of the Village was developed before 1930, prior to the use of the automobile as the primary mode of transportation, so the layout of the Village has a pedestrian orientation. The Village's main transportation corridor is Green Bay Road (the "Green Bay Corridor"), which runs through the length of the Village, from the northwest to the southeast, parallel to Metra's Union Pacific North Line right-of-way (formerly the Chicago & North Western Railway). A key feature of the Green Bay Corridor is the railroad right-of-way, which descends from grade level as it enters Winnetka from the north to below grade at the Hubbard Woods and Elm Street stations, and gradually ascends to the Indian Hill station, which is above grade near the Village's southern border.

The railroad right-of-way project, completed in 1943, reinforced the development of the Village's three distinct local commercial shopping districts along the Green Bay Corridor, with the Hubbard Woods shopping district at the north end of the Village and the Indian Hill shopping district at the south end. The Village's main commercial district grew up in the center of the

Village, on both the east and west sides of the Green Bay Corridor near the Elm Street station. The main link between the east and west portions of the Elm Street commercial district is the Elm Street Bridge, at the north end of the Elm Street station platform. Winnetka's Village Hall is located opposite the Elm Street station on the west side of Green Bay Road, and the Winnetka Police Department, the Winnetka Fire Department, the Winnetka Public Library, and the United States Post Office are in close proximity.

Public open space in the Village is concentrated either adjacent or in close proximity to the many schools in the Village, in the public parks that provide access from the bluff-top open areas to the beaches and other public areas along Lake Michigan below, and in a large recreational area in the floodplain at the western edge of the Village, adjacent to the Cook County Forest Preserves. Only a small portion of the public open space is owned by the Village: (i) the Village Green; (ii) the Chestnut Court median strip located at the west entrance of Village Hall and known as Moffatt Mall; (iii) a small, irregularly shaped green parcel sometimes referred to as Sheridan Park, located on the west side of Maple Street due south of the intersection of Maple Street and Sheridan Road; (iv) the now-closed Village landfill and an adjacent corner parcel that collects and drains floodwaters; and (v) the Green Bay Trail, which is a recreational cycling and pedestrian path that the Village purchased when the Chicago & North Western Railway abandoned its freight line. Both the Village Green and the Green Bay Trail are leased to the Winnetka Park District. All of the other public open space in the Village is owned by the Winnetka Park District, the Winnetka Public Schools or New Trier Township High School.

The boundaries of the Village have been relatively fixed since the last significant annexations occurred in the late 1980's. That annexation comprised an existing single-family development adjacent to the privately-owned Indian Hill Country Club. There is no undeveloped land adjacent to the Village other than the Cook County Forest Preserve, so there is no land potentially available for annexation and new single-family development. As a result, most of the development in the Village now consists of the redevelopment of existing properties, the vast majority of which is one-for-one replacement of single-family, owner-occupied homes.

The development of affordable housing in the Village faces several significant challenges. As previously noted, there is limited availability of undeveloped and municipally owned land. Additionally, Winnetka's location as a highly desirable lakefront community with three unique shopping districts developed around train stations contributes to high land values, strong housing demand, and elevated prices for both owner-occupied and rental properties. Construction costs also remain high. In essence, broader market forces, particularly the cost of land and construction, are driving these constraints. While Winnetka's desirable location and unique character make it a popular place to live, this very demand is also contributing to rising housing prices.

B. HOUSING POLICY

The Village has had a longstanding policy of favoring the development of affordable housing options so that persons with moderate incomes, particularly senior citizens and young

families, can enjoy the benefits of living in the Village and so that Village residents can enjoy the benefits that a diversity of housing stock can bring to the community. The Village's efforts at implementing that policy have occurred as development opportunities have arisen, with the Village attempting to maintain a balance between the worthy objectives of that housing policy and such other important Village policies as the policy of maintaining the Village's single-family home character and the policy of assuring that land use development and redevelopment are compatible with the capacity of existing infrastructure.

The Village's housing policies have been stated in its comprehensive plans, the first of which was adopted in 1921 (the "1921 Plan"). The 1921 Plan encouraged the development of the three commercial districts, each anchored by one of the three train stations. The 1921 Plan provided for a "concentric" development arrangement, with denser uses, such as apartment buildings, being placed within or next to the three Village centers and smaller subdivisions of single-family residences within reasonable walking distance of the railroad stations. Larger residential lots are located farther from the stations. The basic land use pattern established by the 1921 Plan was reflected in the Village's first Zoning Ordinance, passed in 1922, and has been maintained ever since.

The Village's policy regarding the development of moderately priced housing was first articulated in the 1979 Statement of Community Objectives, which contained a statement acknowledging the importance "of the community's recognition of the need to facilitate housing for those who contribute to [the community's] well-being – public employees, storekeepers and retirees." The housing policies in the 1979 Statement of Community Objectives included the policy of encouraging and assisting in the provision of moderately priced residences in the Village, especially for those who already live or work in the Village, and the policy of facilitating the provision of housing for senior citizens who live in the Village but who no longer need or can no longer afford single-family residences.

In furtherance of the policies stated in the 1979 Statement of Community Objectives, the housing chapter of Winnetka's second Comprehensive Plan included a discussion of the need to provide alternative housing for older, long-term residents of the Village who no longer wish to live in and maintain their single-family homes.

The Village's third comprehensive plan, *Winnetka 2020*, which was formally adopted by the Winnetka Village Council in 1999, included a general housing policy consistent with the Village's prior policy statements. *Winnetka 2020* identified a community need for more housing options for senior citizens and young families, recognized not only that multi-family residential buildings provide homes for older residents and those with modest incomes, but also that rental units provide an important element of diversity in housing options. Thus, one of the stated goals of *Winnetka 2020* was to ensure that multi-family development provides a variety of housing choices for residents of all ages.

Winnetka 2020 noted the need to provide multi-family options in the Village for older couples looking for housing alternatives in the Village as well as the possibility of bringing an assisted-care facility for senior citizens to Winnetka. However, because of the relatively small

number of areas that are suitable for multi-family development, *Winnetka 2020* anticipated only limited new development of multi-family housing, with such development being either as a component of a mixed-use building within a business district or along certain portions of Green Bay Road.

The Village's current housing policy is guided by the community's fourth comprehensive plan, *Winnetka Futures 2040 Plan*, which the Winnetka Village Council adopted in 2023. The Winnetka Futures 2040 Plan includes in its vision statement that the community is committed to "housing for all stages of one's life". A goal of the plan states that

"The Village will continue to explore housing diversity and address the housing gap to provide a supply that supports changing demographic needs and ensures a variety of product types, options, and costs available to seniors, empty nesters, families, and young residents.

As with the Winnetka 2020 plan, the Village identifies the limited opportunities for this housing diversity coming in the form of multi-family housing in either mixed-use buildings within the three business districts or along certain portions of Green Bay Road.

In addition, because of the proximity of the commercial and multi-family areas to the Village's single-family neighborhoods, the Winnetka Futures 2040 Plan notes that any new development should be appropriate to the character of the surrounding neighborhoods and that an effort must be made to provide an appropriate transition to adjacent single-family neighborhoods and to minimize the adverse impact of any new development on its surrounding neighborhood.

Based on all of the foregoing, and both in furtherance of the goals of *Winnetka 2020* and in compliance with the Act, the Initial Plan stated that it was the policy of the Village of Winnetka to encourage an increase in moderately priced housing options for senior citizens and young families by encouraging the development of affordable housing in conjunction with new development and redevelopment of commercial and multi-family properties. Nevertheless, while this Second Amended Plan reaffirms the Village's affordable housing policy, as stated in the Initial Plan, it is the intention of the Village, in the exercise of its home rule powers, to establish detailed goals and steps for implementing the Village's policy. The remaining sections of this Second Amended Plan retain portions of the Initial Plan and Amended Plan, although it is the intent of the Village to reconsider and amend any or all of those sections as the Village deems necessary to reflect the specific needs and characteristics of the Village disclosed by further and continuing study.

III. AFFORDABLE HOUSING UNITS IN WINNETKA

This Second Amended Plan has been developed using the Act as a guide and encourages the continued study of affordable housing issues by the Village. This Amended Plan shall supersede and replace the previous affordable housing plans.

As defined in Section 15 of the Affordable Housing Planning and Appeal Act, "affordable housing" is "housing that has a sales price or rental amount that is within the means of a household that may occupy moderate-income or low-income housing." The Act defines affordable dwelling units for sale as "housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit." Under the Act, affordable dwelling units for rent are defined as "housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit."

The Act uses United States Department of Housing and Urban Development standards to define moderate and low-income housing. Under the Act, moderate income housing is housing that is occupied, reserved, or marketed for occupancy by households with a gross household income that is more than 50% but does not exceed 80% of the area median household income. Low-income housing, as defined in the Act, is housing that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50% of the area median household income. IHDA has based its most recent determination of affordable sales and rental prices in the Chicago-Naperville-Elgin, IL-IN-WI metropolitan statistical area on a median household income of \$78,790.00, as reported in the most recent available Census data – 5-Year American Community Survey (ACS) 5-Year Estimates (2017-2021)

IHDA provided the Village of Winnetka with the following assessment of housing affordability in the Village based upon its calculations it performed near the end of 2023:

For-sale units		Rental units		Total for-sale & rental units		
Affordable Home Purchase Price	# of Affordable Owner Units	Affordable Monthly Renter Payment	# of Affordable Rental Units	Total # of Affordable Units	Total # of All Units	% of Affordable Units
\$171,490	105	\$1,182	54	159	4,353	3.60%

IDHA uses the above numbers to determine whether 10% or more of a community's housing stock is considered affordable.

However, it should be noted both HUD and IDHA consider housing size when determining housing affordability for a household. According to information published by IHDA in 2023 on affordability standards in the Chicago metropolitan area (see tables on next page), the prices for affordable owner-occupied units range from \$171,667 for a one-person occupancy to \$323,611 for an eight-person occupancy, with annual income limits ranging from \$61,800 for a one-person occupancy and \$116,500 for an eight-person occupancy. An affordable

owner-occupied unit for four-person household with an annual income of \$88,250 would be no greater than \$245,139.

There will also be a range of affordable rents, which are based on income limits ranging from \$38,625 for a one-person household to \$72,812 for an eight-person household. Affordable rents for rental units, which must also include utility costs, will therefore range from a total of \$1,159 per month for a studio to \$2,118 for a five-bedroom.

Owner Occupied Affordability Chart for Chicago Metro Area (Cook, DuPage, Kane, Lake, McHenry, Will Counties)								
	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
2023 Income Limits (80% AMI)	\$61,800	\$70,600	\$79,450	\$88,250	\$95,350	\$102,400	\$109,450	\$116,500
Affordable Purchase Price	\$171,667	\$196,111	\$220,694	\$245,139	\$264,861	\$284,444	\$304,028	\$323,611
<i>Please Note: The Above chart uses 2023 income limits. Municipalities must make sure they are using the most current income limits (available on IHDA's website: www.ihda.org).</i>								

Affordable Rental Units for Chicago Metro Area (Cook, DuPage, Kane, Lake, McHenry, Will Counties)						
	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom
2023 Affordable Rent Limits for HH @ 60% AMI	\$1,159	\$1,242	\$1,489	\$1,721	\$1,920	\$2,118
<i>Please Note: The above chart uses 2023 rental limits. Municipalities must make sure they are using the most current rental limits (available on IHDA's website: www.ihda.org).</i>						

According to the 5-Year American Community Survey (ACS) 5-Year Estimates (2019-2023), the median housing value of owner-occupied units, as estimated by the Census Bureau, was \$1,206,300. The Multiple Listing Service of Northern Illinois (MLSNI) reports that the median sales price for single-family detached homes in Winnetka in 2023 was \$1,675,000, and that the median sales price for single-family attached units during the same period was \$437,000. Census data indicate that the median gross rent was \$1,750 per month in 2023.

Based on IHDA's analysis of the total number of housing units in the Village, to have 10% of all housing units meet affordability standards, the Village would need a total of 436 affordable units. Meeting the 10% goal would thus necessitate the development of an additional 277 affordable housing units. However, because there are discrepancies in both the census data and IHDA's determination, and because IHDA based its determination on fixed assumptions as to income and housing costs, rather than on the range that census data indicate would exist if a detailed study were done, the Village is using IHDA's data in this Second Amended Plan solely for the limited purpose of establishing the Village's goals, incentives and steps for implementation, as stated in this Second Amended Plan.

IV. IDENTIFICATION OF LANDS AND STRUCTURES MOST APPROPRIATE FOR AFFORDABLE HOUSING

As disclosed by the description of the Village's land use patterns in Section II of this Second Amended Plan and by the housing data reported in Section III of this Amended Plan, more than 80% of the Village's housing stock is single-family residential, and the vast majority of the single-family homes are owner-occupied. According to IHDA's determination, only 105 of the ownership housing units meet the Act's definition of what is affordable. Given that initial determination, and given that the median and average sales prices of detached single-family homes in Winnetka far exceed the range of affordable sales prices established by IHDA, the Village has concluded that attempting to meet the Act's goals with detached single-family residential properties is not realistic and that money and resources directed toward encouraging the development of affordable rental units are likely to result in more affordable units than if the same amount of money and resources were directed toward the development of affordable owner-occupied units.

Rental apartments exist in both the multi-family and commercial zoning districts. The multi-family zoning districts also provide the opportunity for the development of town homes and moderately priced condominiums that could provide ownership opportunities for senior citizens who wish to down-size from larger homes, but still remain in Winnetka

Therefore, the Village of Winnetka designates all B-1, B-2, C-1, C-2 and C-2 overlay zoning districts as the most appropriate areas for the development of affordable housing units.

The designation of these zoning districts as being suitable for affordable housing does not alter existing development requirements, which have been put in place to govern all development in the Village, so as to assure that no development places an undue burden on the Village's infrastructure or public safety resources, and to assure that all development is compatible with its surroundings. More specifically, proposed affordable developments will be treated as any other development in the Village and therefore must meet all of the following requirements:

- (a) Proposed developments must be consistent with the Village's established land use patterns and development and land use goals, as defined in the Winnetka Comprehensive Plan, *Winnetka Futures 2024 Plan* and the Winnetka Zoning Ordinance, particularly with regulations that define the permitted uses in each zoning district and with the requirement that the first floor of buildings in the C-1, C-2 and C-2 overlay zoning districts be limited to specified commercial uses;
- (b) Proposed developments must comply with applicable zoning and development standards and regulations as set forth in the Winnetka Zoning Ordinance, the Winnetka Subdivision Ordinance and other provisions of the Winnetka Village Code;

- (c) Proposed developments must be in locations where the infrastructure is adequate to support the proposed use; and
- (d) Proposed developments must strictly comply with all floodplain regulations and with all building code, structural, fire and life safety requirements.

The Village has considered, but rules out, identifying its limited open spaces as possible locations for affordable housing developments. The Village has also determined that there are no privately owned open lands outside of the commercial and multi-family zoning districts that are of sufficient size to accommodate more than one unit of housing without requiring changing the basic zoning classification from single-family to multi-family. Open space owned by the Winnetka Park District is also unsuitable for a variety of reasons. First, most park lands are used on a nearly daily basis for recreational activities by the Village's citizens, schools and organizations. The loss of those resources would be a detriment to the community as a whole and would be contrary to the goals and objectives stated in *Winnetka Futures 2024 Plan*. Second, many of the parks consist of public beach and boat landing areas at the edge of Lake Michigan below open space on top of the adjacent bluffs and are therefore not suitable for residential development of any kind. Third, some parks, such as the Skokie Playfields, are located in the flood plain which, if developed for residential purposes, not only would require special engineering solutions, but also would create additional impervious surfaces. Thus, construction of additional housing of any kind in these areas would require extensive modification of the Village's stormwater management infrastructure to avoid exacerbating the flood risks that already exist in adjacent single-family areas.

V. AFFORDABLE HOUSING GOAL

The Act requires a non-exempt community to select one or more the following goals as its affordable housing goal(s):

- a. A minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in the Act.
- b. A minimum of a 5-percentage point increase in the overall percentage of affordable housing within the jurisdiction as defined by the Act.

Based upon IHDA's calculations, 3.6% of the housing units in the Village are affordable. To meet this goal, the overall percentage of affordable housing units would need to increase to 8.6%. Based upon the numbers currently used by IHDA, the number of affordable housing units in the community would need to increase from the existing 159 units to 375 units, an increase of 216 units.

- c. Or a minimum of a total of 10% affordable housing within the jurisdiction as defined by the Act.

As previously noted in this plan, Winnetka would need to have 436 affordable units in the community to achieve this goal, which would require an increase of 277 affordable units.

In its Initial Plan, the Village established an affordable housing goal of encouraging that 15% of all new development in the Village would be affordable, and in its Amended Plan did not specify a particular goal. In this Second Amended Plan the Village identifies the following as its affordable housing goal:

- a. A 5-percentage point increase in the overall percentage of affordable housing within the Village over the number of affordable units calculated by IHDA pursuant to Section 20(b) of the Act.

VI. INCENTIVES AND IMPLEMENTATION

The Village may, after a careful review to ensure that its public safety, health, character and environment will be protected and preserved, consider adopting and implementing or otherwise facilitating, one or more of the following policies and incentives to encourage the development of affordable housing by both for-profit and non-profit developers:

- 1) Expedite permit processing for affordable units.
- 2) Reduce costs of certain permit fees for affordable units.
- 3) Municipal property tax abatements for affordable units.
- 4) Cooperation with developers attempting to use IHDA Trust Funds (matching funds)
- 5) Supporting efforts of employers to provide employer-assisted housing.
- 6) Serve as a conduit to assist affordable housing developers in locating funding for affordable units.

The Village Council has found that the Winnetka Plan Commission is best suited to continue the Village's analysis of its affordable housing needs, to monitor and report to the Village Council on the implementation of the Village's Second Amended Plan, and to make findings and recommendations to the Village Council concerning the details of the various components of the Village's affordable housing policies. The Plan Commission reviewed and recommended approval of the comprehensive plan, Winnetka Futures 2040 Plan, which included goals and initiatives related to housing and affordable housing. The Plan Commission is therefore directed to study and to report their findings and recommendations to the Village

Council on all aspects of this Second Amended Plan. The general scope of the Plan Commission's study shall include, but not be limited to the following:

- Identifying the particular housing and demographic characteristics and needs of the Village by continuing to conduct studies of housing statistics in the Village, including the number and types of dwelling units, the purchase or rental costs of such units, and the overall housing costs, including utilities and the like, for such units; and
- Expanding the study of potential development incentives to include land use and development tools and incentives and implementation programs used in other home rule municipalities.
- Making recommendations to the Village Council, based on the data and information collected in the Plan Commission's study, including, but not limited to:
 - Recommending such other and further amendments to this Second Amended Plan as the Plan Commission deems necessary and appropriate to fully reflect the results of the Plan Commission's studies;
 - Recommending potential amendments to the Winnetka Zoning Ordinance and other provisions of the Winnetka Village Code, so as to increase the opportunities to successfully implement the Village's affordable housing policies; and
 - Recommending such amendments to the Village's comprehensive plan, Winnetka Futures 2040 Plan, as the Plan Commission may determine are necessary to incorporate this Second Amended Plan.

The Plan Commission is directed to submit periodic reports to the Village Council, particularly when the Plan Commission has completed its study and recommendations on any of the foregoing study areas. The Plan Commission shall report back to the Village Council by January 1, 2027, with a status report and proposed timetable for completing its study.

VII. Summary of Actions Taken to Implement Previous Plans

In furtherance of those incentives, the Initial Plan directed the Village Manager to report and make recommendations to the Village Council on proposed fee reductions to encourage and attract affordable housing developments to the Village, with those recommendations being submitted for consideration during the Village Council's deliberations on the 2006-07 Fiscal Year budget cycle.

Since adoption of the Initial Plan and the Amended Plan, the Village Council has taken the following actions:

- The Council adopted Ordinance MC-8-2005, allowing for planned developments in the Village's multi-family family zoning districts (B-1 & B-2) and mixed-use zoning district (C-1 & C-2) that provide for additional development flexibility including increased density to achieve the goals of the Village of Winnetka Affordable Housing Plan. The

planned development regulations were further amended by ordinance MC-02-2019, which retained the affordable housing density bonus provision.

- The Council adopted Ordinance MC-07-2011 creating property maintenance regulations for all non-single-family development in the community and thus helping to ensure that properties available for the establishment and preservation of varying types of housing units are properly maintained and preserved. With the adoption of Ordinance MC-05-2019, the Council extended these standards to single-family homes.
- The Council adopted Ordinance MC-01-2012, relaxing restrictions on coach houses to allow property owners to return previously used coach houses to the Village's housing stock as part of the Village's commitment to housing diversity.
- The Council adopted Ordinance MC-02-2015, amending the Village Zoning Ordinance to, among other things, provide for reduced and more flexible off-street parking requirements regulations for mixed use development (including developments with diverse housing stocks) within the Village's commercial districts.
- With the adoption of its Amended Affordable Housing Plan, the Council directed the Village Plan Commission to continue the Village's analysis of its affordable housing needs, to monitor and report to the Village Council on the implementation of the Village's Amended Plan, and to make findings and recommendations to the Council concerning the details for the various components of the Village's affordable housing policies.
- In 2011, the Village Council considered the policy issues raised by the Village Plan Commission's comprehensive five years of work and its culminating affordable housing report titled "Reinvigorating a Tradition of Varied, Moderately Priced and Affordable Housing: A Report to the Village Council, and the companion 2010 demographic and housing study prepared in cooperation with the Nathalie P. Voorhees Center at the University of Illinois at Chicago, titled "Winnetka Affordable Housing Study, A study of Housing Condition and Needs". The Village's adoption of Ordinances MC-7-2011 and MC-1-2012 were a direct result of the Commission's recommendations and related studies presented to the Village Council. However, the Village Council at that time concluded that given the condition of the economy, the cost of land, and the lack of meaningful development opportunities in the Village, the Council need not further amend the Village's Amended Affordable Housing Plan.

Affordable Housing Planning and Appeal Act (AHPAA)

2023 NON-EXEMPT LOCAL GOVERNMENT HANDBOOK

PUBLISHED IN ACCORDANCE WITH 310 ILCS 67/
ILLINOIS HOUSING DEVELOPMENT AUTHORITY
VERSION EFFECTIVE: 3/6/2025

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Executive Summary

In 2003, the Illinois General Assembly passed the Affordable Housing Planning and Appeal Act (AHPAA) ([310 ILCS 67/](#)) to address the shortage of affordable, accessible, safe, and sanitary housing in communities across Illinois. Since its initial passage, the AHPAA has been amended on several occasions, most recently in 2023 through Public Act 103-0487.

Rising home prices and monthly rental payments were an issue at the time of the Act's passage in 2003. This situation has persisted, leading to challenges in households finding housing near to their places of employment, and for retirees to continue to reside in their preferred communities.

As listed below, the AHPAA established several processes and requirements to address affordability across Illinois. Named as the administering agency in the law, the Illinois Housing Development Authority (IHDA) oversees collecting and distributing information on the AHPAA. This handbook was developed to accompany the "2023 Report of Non-Exempt Local Governments" and the "2023 Statewide Report on Local Government Affordability" and is a reference tool for communities to understand AHPAA's processes and requirements.

Basics of the AHPAA

The AHPAA established a process for IHDA to identify communities with shortages of local housing stock available at an amount which would be affordable to:

- Homebuyers at 80% of the median household income in the applicable county or Metropolitan Statistical Area (MSA); and
- Renters at 60% of the median household income in the applicable county or MSA.

Determining a community's housing affordability percentage under the AHPAA is done by first tallying the total number of year-round occupied housing units available to owners and renters at amounts which would be considered affordable per the AHPAA requirements and then dividing that amount against the community's total count of year-round occupied housing units. This in turn generates a percentage referred to in this handbook and other AHPAA materials as an "Affordable Housing Share".

For more comprehensive information on the AHPAA affordability determination process, including data sources, a more detailed calculation methodology and examples, see the Exemption Determination Process section starting on Page 5.

AHPAA also identifies two types of communities based on each community's Affordable Housing Share, Exempt and Non-Exempt Local Governments (NELGs).

- **Exempt Local Governments** are those which:
 - Must be an incorporated local government (county, town, village, city, etc.) with a population below 1,000 persons; or
 - Must have a portion of its total year-round occupied housing stock considered affordable (per AHPAA's requirements), which is equal to or greater than 10%.
- **Non-Exempt Local Governments** are those which:

- Must be an incorporated local government (county, town, village, city, etc.) with a population of at least 1,000 persons; and
- Must have a portion of its total year-round occupied housing stock considered affordable that is below 10%.

Per the AHPAA, IHDA must determine individual local government Affordable Housing Shares, and then publish which local governments in Illinois are **Exempt** and **Non-Exempt**; also referred to as the “**Exemption Determination Process**”. First published in 2004, updated statewide affordability listings were not available again until 2013. This resulted from data availability limitations tied to the use of the U.S. Census Bureau Decennial Census, as required under the AHPAA, until a legislative change to the AHPAA in 2013 made it possible to use more up to date Census data. Presently, IHDA uses American Community Survey (ACS) data provided by the U.S. Census Bureau to publish the updated Exempt and Non-Exempt listings every 5 years.

For the 2023 AHPAA update cycle, local government affordability information can be found in the corresponding “2023 Statewide Report on Local Government Affordability”, and the “2023 Report of Non-Exempt Local Governments”. These documents are accessible on the IHDA [website](#).

Local governments deemed **Non-Exempt** under the law are required to adopt and submit an **affordable housing plan** to IHDA which meets the AHPAA requirements, (see plan requirements starting on page 14). Communities which have already submitted a plan to IHDA because they were previously identified as NELGs are allowed to update their plans, locally adopt the updated version, and then submit the revised version to IHDA.

Corresponding to the **Exemption Determination Process** and **affordable housing plan** creation processes is the **State Housing Appeals Board (SHAB)**, which was established by the AHPAA to hear appeals from appellants (e.g., affordable housing developers, eligible residents of the proposed building(s), or local housing organizations), who feel that they have been treated unfairly by Non-Exempt Local Governments during the local development approval process. For the SHAB to consider an appeal, the Non-Exempt Local Government must have denied approval of a project with an affordable housing component or granted an approval with conditions that make the proposed project financially infeasible. At the time of this handbook’s publication, no appeals had been filed for SHAB review.

In the following sections of this handbook, more detail is provided to explain AHPAA’s purpose, mechanics, and implications for Non-Exempt Local Governments. Wherever possible, references and links to additional information and resources have been provided.

Should you have questions beyond those which can be directly answered by either this handbook or corresponding AHPAA resources published by IHDA, please email AHPAA@ihda.org.

Affordable Housing Planning and Appeal Act: Exemption Determination Process

An Affordable Housing Share is the percentage of a local government's total year-round occupied housing stock considered "affordable" per the definitions and requirements of the AHPAA. At its most basic, a local government's Affordable Housing Share (if less than 10%), and in consideration of its total population (1,000 persons or greater), determines if the community is subject to AHPAA's housing plan requirements. These communities are known as **Non-Exempt Local Governments (NELGs)**. IHDA refers to its routine calculation of local government Affordable Housing Shares and NELG identification as the "Local Government Exemption Determination Process" or the "Exemption Determination Process".

The AHPAA outlines a general process for determining the individual local governments that are required to adopt and submit a housing plan. Per the statute, the Exemption Determination Process must be completed by IHDA at least once every five years. While the Act explicitly states certain aspects of the process, other implicit steps must be taken to complete the calculation that facilitates the determination of an Affordable Housing Share. This handbook, and especially this section, are intended to clarify steps taken by IHDA during the Exemption Determination Process.

Statutory Requirements

Within the AHPAA there are two main sections which guide the determination of local government exemption status: Sections **15** and **20**. Relevant portions of these sections are provided below.

Section 15, (310 ILCS 67/15) provides definitions necessary for administration of the Act, some of which directly affect the Exemption Determination Process. Please note, while it was not explicitly defined in Section 15, a definition has been included for "Non-Exempt Local Government" as it is integral to the operation and administration of the AHPAA. Relevant definitions from the AHPAA are included below (emphasis added):

- "Affordable housing" means housing that has a value or cost or rental amount that is within the means of a household that may occupy moderate-income or low-income housing. **In the case of owner-occupied dwelling units**, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. **In the case of dwelling units for rent**, housing that is affordable means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for rent, the costs of any required parking, maintenance, or landlord-imposed fees are to be included in the calculation of affordable housing if available from the U.S. Census Bureau.
- "Area median household income" means the median household income, adjusted for family size for applicable income limit areas as determined annually by the [U.S.] Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937.
- "Exempt Local Government" means any local government in which at least 10% of its total year-round housing units are affordable, as determined by IHDA in accordance with Section 20, or any municipality with a population under 1,000.
- "Non-Exempt Local Government" is not defined in the Act, however, it means any local government that does not meet the definition of an Exempt Local Government, i.e., a local

government in which less than 10% of its total year-round housing units are affordable, as determined by IHDA accordance with Section 20 and has a population of 1,000 persons or greater.

- Non-Exempt Local Governments must prepare affordable housing plans which meet the requirements of Section 25 the AHPAA and provide them to IHDA for review and approval following local adoption.
- "Household" means the person or persons occupying a dwelling unit.
- "Local government" means a county or municipality.

Section 20, (310 ILCS 67/20) describes fundamental requirements and steps which IHDA must observe in the Exemption Determination Process, including:

- At a minimum of once every 5 years, IHDA must determine which local governments in Illinois are Exempt and Non-Exempt under the AHPAA. This shall be done by using the most recent data from the U.S. Census Bureau and other relevant sources.
- For each local government, IHDA must identify the total number of year-round housing units.
- IHDA must also inventory within each local government, the total counts of both owner-occupied and rental units considered affordable per the definitions and requirements in the AHPAA.
 - Per Section 20, the inventory of units must include consideration of owner-occupied units at 80% of the median household income in the applicable county or MSA, and renter occupied units at 60% of the median household income in the applicable county or MSA.
- Following the inventory of units considered affordable for owners and renters, IHDA must sum the two figures to generate a total count of affordable units in the local government.
- IHDA must then divide the sum of the total units considered affordable under the Act against the total count of year-round housing units in the local government and then multiply the result by 100 to generate a percentage of affordable housing units within the local government. This percentage is the Affordable Housing Share.

Example of Calculating the Affordable Housing Share for the Village of Ihdapopolis

- 1,771 affordable owner-occupied units
- 2,097 affordable rental units
- Owner occupied units + rental units = 3,868 affordable units
- $3,868 \text{ affordable housing units} / 10,401 \text{ year-round occupied housing units} = 0.372$
- $0.372 \times 100 = \mathbf{37.2\%}$ affordable housing share

For a more detailed example of the calculation process mandated by Section 20, see the Determining a Local Government's Share of Affordable Housing Units & Exemption Status section, starting on page 11.

Identifying Data Sources

The language in Sections 15 and 20 of the AHPAA provides a framework for completing the Exemption Determination Process, but it does not provide details on which datasets or data products IHDA is required to use beyond a mandate to use the most recent data from the U.S. Census Bureau and other relevant sources. For example, IHDA first published AHPAA affordability and NELG listings in 2004. However, updated listings were not available again until 2013 because of data availability limitations tied to using the U.S. Census Bureau's, Decennial Census datasets, as required at the time by the AHPAA. In 2013, statutory revisions allowed the use of more up-to-date Census data products beyond the Decennial Census. **Presently, IHDA primarily uses the U.S. Census Bureau, American Community Survey (ACS) 5-Year Estimates data to publish the Exempt and Non-Exempt listings on a 5-year cycle.**

ACS 5-Year Estimates use is preferred as nearly all the data points required for the Exemption Determination Process are available within the dataset. Additionally, ACS 5-Year Estimates have smaller margins of error than ACS 1-Year Estimates, and they include increased statistical reliability for smaller geographic areas and small population groups (which is relevant to the AHPAA for rural and non-metro communities within Illinois).¹ IHDA used the 2017-2021 5-year Estimates as the primary Census data to conduct the 2023 Local Government Exemption Determination Process, as it was the most recent ACS 5-Year Estimates dataset.

Furthermore, while Section 20(b) mandates the use of data from the U.S. Census Bureau and other relevant sources, it does not explicitly identify all the individual data fields needed to complete the Exemption Determination process. To address this concern, the following three sections of this Handbook were created. First is an explanation of several overarching questions and considerations for how to use the selected data. The second and third sections link key terms in the AHPAA with data fields available in the Census and other sources.

Notes Concerning Geography and Data

In the AHPAA, considerations of geography and its impacts on administration surface in many areas. Most importantly in Section 15 within definitions of certain relevant terms, and then again in Section 20 which lists the steps necessary for performing the Local Government Exemption Determination Process. Because geography plays such an integral part in the AHPAA, the following were prepared to explain AHPAA's requirements of geography and measures taken by IHDA to fulfill the requirements:

- **Understanding Local Governments:** Section 15 of the AHPAA defines “Local Government” to mean either an Illinois county or municipality. County level data for Illinois is easily found within the Census. However, for municipalities, it is important to understand the concept of “place” and how it relates to Census data products. This is because many Census data products organize data for smaller geographies such as “municipalities” into datasets under the “place” label.

Given that municipal and local government incorporation laws and practices vary by state and territory, the Census generally understands a “place” to be a concentration of population with a locally recognized name, that is seen as not being part of another place. Places are recognized as having set boundaries, though they may or may not be legally prescribed via incorporation under

¹United States Census Bureau, “American Community Survey Information Guide”, Issued October 2017, page 12.
https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS_Information_Guide.pdf

state law. Places may or may not have a functioning government.² Essentially, there are two Census definitions which are relevant to the AHPAA when looking at Census place data:

- Incorporated Places: which are legally incorporated under state law, have a legally defined boundary, and an active functioning governmental structure. Examples include incorporated cities, towns, villages, etc.³
- Census Designated Places (CDPs): which are a statistical equivalent of incorporated places and represent unincorporated communities that do not have a legally defined boundary or an active functioning governmental structure. Examples of CDPs include unincorporated communities, planned communities, military installments, university towns, resort towns, etc.
 - A single location cannot be part of both an incorporated place and a CDP.⁴

When sourcing municipal level data, IHDA uses Census Bureau place-based datasets with the understanding they contain information for all incorporated municipalities in Illinois as required by the AHPAA. Though part of place-based datasets, IHDA does not include Census Designated Places in the Exemption Determination Process because they are not incorporated municipalities as required by the AHPAA. Per Section 15, incorporated municipalities of less than 1,000 persons are also not included in the process. Parties interested in the affordability of unincorporated areas and municipalities under 1,000 in population should email AHPAA@ihda.org for more information.

Considering the above, data sourced from the U.S. Census Bureau for the 2023 Local Government Exemption Determination Process was collected at both Illinois county and place levels. The sole exception being median household income (MHI) which was collected at both county and Metropolitan Statistical Area (MSA) levels per the restrictions set forth in the AHPAA, Section 20.⁵

- **Municipal and County Jurisdictional Boundaries:** Numerous incorporated Illinois municipalities have territorial jurisdictions which cross county boundaries. This presents challenges in applying MHI data. For calculation purposes, Section 20 of the AHPAA requires MHI to be based on the county, or if applicable the MSA in which the municipality or county resides. To enable calculation of local government Affordable Housing Shares, municipal jurisdictions were analyzed to assign a primary county and MSA (if applicable). Land coverage within the jurisdictions was calculated for each county of which they are part, with the largest constituent share being used to assign a primary county or MSA to the municipality, to determine the median household income.

² United States Census Bureau, "Geographic Areas Reference Manual", Chapter 9, Places, accessed 10/25/2023, <https://www2.census.gov/geo/pdfs/reference/GARM/Ch9GARM.pdf>.

³ "Census Designated Places", Accessed 10/25/2023, <https://www.census.gov/programs-surveys/bas/information/cdp.html#:~:text=Examples%20of%20CDPs%20include%20unincorporated,incorporated%20place%20and%20a%20CDP>.

⁴ Ibid.

⁵ Metropolitan Statistical Areas are delineated by the U.S. Office of Management and Budget (OMB). For 2023's Exemption Determination process, IHDA used boundary delineations released in 2020. A map can be found here: https://www2.census.gov/programs-surveys/metro-micro/reference-maps/2020/state-maps/17_Illinois_2020.pdf

U.S. Census Bureau Data

Accounting for geography, the following data fields included in the U.S. Census Bureau's, 2017-2021 American Community Survey (ACS) 5-Year Estimates, were identified for use in the 2023 Local Government Exemption Determination Process. These data are available at data.census.gov.

Total Population: In line with Section 15 of the AHPAA, total population counts for all incorporated local governments in Illinois were included to facilitate IHDA's determination of local government exemption status. All incorporated municipalities of less than 1,000 persons are automatically exempt from the operations of the AHPAA. Unincorporated areas, which are represented as Census Designated Places are also not included. (ACS 5-Year Estimates: Table B01003, Total Population)

Total Year-Round Housing Units: As mandated by Section 20 of the AHPAA, an Affordable Housing Share must be determined for each local government. This is done by identifying the total count of year-round owner-occupied and rental housing units, deemed affordable under the AHPAA, and then dividing the sum against the total count of housing units in the local government. To avoid any concerns of inflating the true number of year-round housing units in each community (and thereby deflating its share of housing stock deemed affordable by AHPAA), only presently occupied owner and rental housing units were included during the Exemption Determination Process. Since seasonal and recreational housing units are classified as a type of vacant housing, they were also not considered in the process. (ACS 5-Year Estimates: Table DP04, Selected Housing Characteristics)

- **Owner-Occupied Housing Units:** In Table DP04, counts of owner-occupied housing units are organized across a range by estimated home "Value". These estimated values were used to determine how many of the owner-occupied housing units in each local government are "affordable" to potential homebuyers at or below 80% of the median household income. Only units presently occupied by homeowners are included in these estimates.
- **Rental Units:** In Table DP04, counts of renter occupied units are organized across a range by estimated "Gross Rent". These gross rent estimates were used to determine how many of the occupied rental units in each community would be affordable to a potential renter household at or below 60% of the median household income. Only units presently occupied by renters are included in these estimates. Units occupied by renters not paying rent were not included as affordable rental units by IHDA because the Census Bureau does not collect information on the terms of their occupancy.

Median Real Estate Taxes Paid: Section 15 defines an affordable owner-occupied dwelling unit as one "in which mortgage, amortization, **taxes**, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit." With counts of total owner-occupied housing units in the ACS presented in ranges by estimated home value, IHDA uses median real estate taxes paid within the local government's geography in the Exemption Determination Process to generate an "affordable purchase price" for would be homebuyers at or below 80% of MHI. With this purchase price, the count of affordable owner-occupied units can be determined for each local government. Vacant for-sale units are not included in the determination process because the U.S. Census Bureau does not collect information on their value. (ACS 5-Year Estimates: Table B25103, Mortgage Status by Median Real Estate Taxes Paid (Dollars)).

Note: In generating an “affordable home purchase price” homeowner insurance and condominium or association fee costs were not included because while the ACS collects this information, it does not provide it as discrete data for use like is done for median real estate taxes paid. Homeowner utility cost information was also not incorporated as the AHPAA does not include the data within its definition of affordable homeownership.

Median Household Income (MHI): Per requirements of Section 20(b)(i) and 20(b)(ii) of the AHPAA, MHI was collected for each county and Metropolitan Statistical Area (MSA) in the state. When appropriate the MHI for the applicable MSA was used and assigned to all local governments within that geography. For counties not considered part of an MSA, MHI for the county was used. For further information see Appendix A: Frequently Asked Questions (FAQ), starting on page 23. (ACS 5-Year Estimates: Table B19013, Estimated Median Household Income, Prior 12 Months)

Other Relevant Data Sources

Though most data necessary for the exemption determination process can be found in the American Community Survey, reliable information on home mortgage interest rates is not readily available via the ACS, which necessitates finding another viable source.

Mortgage Interest Rate: In line with Section 15 of the AHPAA, IHDA uses an assumed mortgage interest rate in the process to generate an “affordable home purchase price” for would be homebuyers at or below 80% of MHI. With this home purchase price, the count of affordable owner-occupied units can be determined for each local government. Because mortgage contract terms for the calculation of affordable owner-occupied units are not explicitly defined in the AHPAA, industry standards and academic literature were relied on. A fixed-rate, 30-year mortgage with a downpayment of 10% of the purchase price was chosen because research has shown those are the optimal terms for both low-income homebuyers and mortgage lenders with regards to the probability of negative home equity and default rates.⁶ An average interest rate for the past five years (2018 - 2022) was computed using Primary Mortgage Market Survey data published by the Federal Home Loan Mortgage Corporation (Freddie Mac).⁷ This interest rate, 3.98%, was assumed for the calculation of an “affordable purchase price” for owner occupied housing units.

⁶ John Y. Campbell and João F. Cocco. “A Model of Mortgage Default,” National Bureau of Economic Research Working Paper 17516, October 2011. Patrie Hendershott, Robert Hendershott, and James Shilling. “The Mortgage Finance Bubble: Causes and Corrections,” Journal of Housing Research, 2010. Tomasz Piskorski and Alexei Tchisty. “Stochastic House Appreciation and Optimal Mortgage Lending,” Review of Financial Studies, 2011.

⁷ “Mortgage Rates, Primary Mortgage Market Survey ®”, Freddie Mac, <https://www.freddiemac.com/pmms>

Determining a Local Government's Share of Affordable Housing Units & Exemption Status

To demonstrate the steps IHDA undertakes when determining a local government's share of affordable housing units, and subsequent exemption status per the AHPAA statute, this section has been provided with an example of an Exempt Local Government as determined in 2023.

Example of an Exempt Local Government

Village of Ihdaopolis

- County: Cook
- Population: 24,632
- Total Year-Round Occupied Housing Units: 10,401
 - Total Owner-Occupied Housing Units: 5,441
 - Occupied Units Paying Gross Rent: 4,877
- Median Household Income (MHI): \$78,790 (Chicago-Naperville-Elgin MSA)

Determining Ihdaopolis' Total Count of Affordable Owner-Occupied Units

An affordable home purchase price was determined for a hypothetical household at 80% or below of the median household income. The first step was determining an affordable monthly housing payment for this household.

$\$78,790 \text{ (MHI)} \times 80\% \times 30\% \text{ (portion of income affordable for housing)} / 12 = \mathbf{\$1,575.80}$ a month

Estimated median real estate taxes paid in Ihdaopolis were \$5,978, or \$498.17 per month. This amount was subtracted from \$1,575.80 to reach the final affordable monthly housing payment of **\$1,077.63**. Using the present value calculation typical for determining an affordable sales price in mortgage lending and assuming a 3.98% interest rate, a 30-year loan term and a 10% down payment of \$22,630.24, an affordable home purchase price in Ihdaopolis was determined to be **\$248,932.63**.

With this figure, the number of affordable owner-occupied units in Ihdaopolis can be counted from the total counts of owner-occupied units available at the below value ranges.

Total Owner-Occupied Units: 5,441

"Value" - Less than \$50,000: 19

"Value" - \$50,000 to \$99,999: 237

"Value" - \$100,000 to \$149,999: 310

"Value" - \$150,000 to \$199,999: 524

"Value" - \$200,000 to \$299,999: 1,392

"Value" - \$300,000 to \$499,999: 2,028

"Value" - \$500,000 to \$999,999: 883

"Value" - \$1,000,000 or more: 48

Continued on next page.

The affordable home purchase price in Ihdaopolis, \$248,932.63, falls within the \$200,000 to \$299,000 “Value” interval. The total number of units in lower intervals is 1,090. Since \$248,932.63 represents 48.93% of the \$200,000 to \$299,000 interval, an estimated 681.14 units within the interval have a “Value” below \$248,932.63. Adding the two figures produces a total of **1,771.14** affordable owner-occupied units in the Village of Ihdaopolis.

Determining Ihdaopolis’ Total Count of Affordable Renter-Occupied Units

Next, an affordable monthly rent payment was determined for a hypothetical household at 60% of the MHI.

$\$78,790 \text{ (MHI)} \times 60\% \times 30\% \text{ (portion of income affordable for housing)} / 12 = \mathbf{\$1,181.85}$ a month.

With this figure, the number of affordable rental units in Ihdaopolis can be counted from the total counts of gross rent paying units available at the below ranges.

“Gross Rent” – Total Occupied Units Paying Rent: 4,877

“Gross Rent” – Less than \$500: 407

“Gross Rent” – \$500 to \$999: 739

“Gross Rent” – \$1,000 to \$1,499: 2,614

“Gross Rent” – \$1,500 to \$1,999: 768

“Gross Rent” – \$2,000 to \$2,499: 313

“Gross Rent” – \$2,500 to \$2,999: 26

“Gross Rent” – \$3,000 or more: 10

The affordable monthly rental payment amount in Ihdaopolis, \$1,181.85, falls within the \$1,000 to \$1,499 “Gross Rent” interval. The total number of units in lower intervals is 1,146. Since \$1,181.85 represents 36.37% of the \$1,000 to \$1,499 interval, an estimated 950.71 units of the 2,614 units within that interval have a “Gross Rent” below \$1,181.85. Adding the two figures produces a total of **2,096.71** affordable rental units in the Village of Ihdaopolis.

Determining Ihdaopolis’ Affordable Housing Share

Having individually totaled owner-occupied units and rental units paying gross rent, which are classed as affordable in Ihdaopolis per the terms of the AHPAA, these totals were summed to generate a combined affordable housing figure of **3,868** housing units.

At this point the Affordable Housing Share of total units in Ihdaopolis was calculated.

$3,868 \text{ (affordable housing units)} / 10,401 \text{ (year-round occupied housing units)} = \mathbf{37.2\%}$

Because Ihdaopolis’ Affordable Housing Share under the 2023 Local Government Exemption Determination Process is 10% or greater, the Village is classed as **Exempt** from the requirements of the AHPAA.

AHPAA Requirements Timeline

Following the Local Government Exemption Determination Process, IHDA will notify all incorporated municipalities in Illinois with 1,000 persons or greater, which have been found to have less than 10% of their total year-round occupied housing stock considered affordable per the terms of the AHPAA. These Non-Exempt Local Governments (NELGs) are subject to the Act's requirements, most notably in developing an affordable housing plan.⁸ Details of plan requirements are provided in the next section.

Within 18 months from the date of notification of their Non-Exempt status, local governments must develop, adopt locally, and then submit to IHDA an affordable housing plan which meets the requirements of Section 25 of the AHPAA. Local governments which have been notified of Non-Exempt status under prior Exemption Determination cycles may revise their previously submitted affordable housing plans and resubmit them to IHDA.

All plans must be submitted to IHDA for review within 60 days after local adoption or revision. Please note that any affordable housing plan or revision to an existing plan shall not be adopted by the Non-Exempt Local Government until notice and opportunity for public hearing have first been provided. Following submission, IHDA will complete a review and provide a response to the NELG within 30 days of receipt of the plan.

To assist the NELGs, IHDA will host an informational meeting shortly after publishing the 2023 Local Government Exemption Determination listings and will be available on an ongoing basis to provide AHPAA related technical assistance.

AHPAA Affordable Housing Plan Timeline	
Non-Exempt Community Notification	12/14/2023
Affordable Housing Plan Submission	On a rolling basis between 12/14/2023 and 6/14/2025 (<i>must be submitted to IHDA within 60 days of local approval or revision</i>)
Final Submission Deadline: AHPAA Housing Plans	6/14/2025 (<i>18 months from Status notification – see above</i>)
IHDA Review of Submitted AHPAA Housing Plans	On a Rolling Basis (<i>within 30 days of plan submission</i>)
Local Government Housing Plan Implementation Reports	On a Rolling Basis (<i>no later than 4 years after local government's adoption, or updating of a plan</i>)

⁸ For a full list of Non-Exempt Local Governments as determined in 2023, see Appendix F: 2023 Listing of AHPAA Non-Exempt Local Governments. Additionally, consider reviewing the corresponding *2023 Report of Non-Exempt Local Governments* and the companion *2023 Statewide Report on Local Government Affordability*, which were published by IHDA and available on its [website](#).

Affordable Housing Plan Requirements

The AHPAA was passed in 2003 by the Illinois General Assembly in recognition of the shortage of affordable, accessible, safe, and sanitary housing in the state. Under Section 25 of the AHPAA **only Non-Exempt Local Governments** are explicitly required to prepare and locally adopt affordable housing plans.

What must be included in an Affordable Housing Plan?

Section 25 details the requirements of affordable housing plans prepared and then submitted to IHDA under the AHPAA. **Because of legislative changes in 2023 as a result of Public Act [103-0487](#), it is highly recommended all NELGs, both designated for the first time and previously designated, thoroughly review Section 25, as its requirements differ from what was effective under the last AHPAA Local Government Exemption Determination Cycle in 2018.**

Overall, the changes to Section 25 increased the number of mandatory minimum plan requirements from four to seven. Additionally, under requirement seven, there is a sub-provision, the inclusion of which is contingent on whether a local government is first time designated or previously designated as Non-Exempt. Given this contingency, Section 25's affordable housing plan requirements were broken out into the below sub-sections which apply individually to first time designated and previously designated local governments. Local governments are strongly advised to review the "2023 Report of Non-Exempt Local Governments" to verify their exemption status.⁹

Requirements for First Time Designated Non-Exempt Local Governments

When preparing an AHPAA mandated affordable housing plan, local governments which have been designated as Non-Exempt for the first time must include the below, at a minimum, within their plans.

- 1) A statement of the total number of affordable housing units that are necessary to exempt the local government from the operation of the AHPAA as defined in Section 15 and Section 20.
- 2) An identification of lands within the jurisdiction that are most appropriate for the construction of affordable housing and of existing structures most appropriate for conversion to, or rehabilitation for, affordable housing, including a consideration of affordable housing for both owner-occupied dwelling units and dwelling units for rent, lands and structures of developers who have expressed a commitment to provide affordable housing, and lands and structures that are publicly or semi-publicly owned.
- 3) Incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdictions.
- 4) A description of any housing market conditions, infrastructure limitations, local government ordinances, including zoning and land use ordinances, local government policies or practices that do not affirmatively further fair housing as defined in the federal Fair Housing Act, and other factors that may constrain the local government's ability to create and preserve affordable housing.
- 5) A plan or potential strategies to eliminate or mitigate the constraints identified in item 4.
- 6) One or more of the following goals:
 - a. A minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in the Act.

⁹ This report, along with the corresponding *2023 Statewide Report on Local Government Affordability* are available on the IHDA [website](#).

- b. A minimum of a 5-percentage point increase in the overall percentage of affordable housing within the jurisdiction, as described in sub-section (b) of Section 20 of the Act.¹⁰
 - c. Or a minimum of a total of 10% affordable housing within the jurisdiction as described in sub-section (b) of Section 20 of the Act.
- 7) Proposed timelines to commence, within the first 24 months after the date upon which the affordable housing plan was adopted, for actions to implement the components of the affordable housing plan.

To comply with the affordable housing plan requirements, no later than four years after adopting or updating an affordable housing plan the local government shall submit a report to IHDA summarizing actions taken to implement the current plan.

Requirements for Previously Designated Non-Exempt Local Governments

When preparing an AHPAA mandated affordable housing plan, local governments which have been previously designated as Non-Exempt must include the below, at a minimum, within their plans. Please note the bolded text within requirement seven, as this is a sub-provision which is only applicable to previously designated Non-Exempt Local Governments.

- 1) A statement of the total number of affordable housing units that are necessary to exempt the local government from the operation of the AHPAA as defined in Section 15 and Section 20.
- 2) An identification of lands within the jurisdiction that are most appropriate for the construction of affordable housing and of existing structures most appropriate for conversion to, or rehabilitation for, affordable housing, including a consideration of affordable housing for both owner-occupied dwelling units and dwelling units for rent, lands and structures of developers who have expressed a commitment to provide affordable housing, and lands and structures that are publicly or semi-publicly owned.
- 3) Incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdictions.
- 4) A description of any housing market conditions, infrastructure limitations, local government ordinances, including zoning and land use ordinances, local government policies or practices that do not affirmatively further fair housing as defined in the federal Fair Housing Act, and other factors that may constrain the local government's ability to create and preserve affordable housing.
- 5) A plan or potential strategies to eliminate or mitigate the constraints identified in item 4.
- 6) One or more of the following goals:
 - a. A minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in the Act.
 - b. A minimum of a 5-percentage point increase in the overall percentage of affordable housing within the jurisdiction, as described in sub-section (b) of Section 20 of the Act.¹¹
 - c. Or a minimum of a total of 10% affordable housing within the jurisdiction as described in sub-section (b) of Section 20 of the Act.
- 7) Proposed timelines to commence, within the first 24 months after the date upon which the affordable housing plan was adopted, for actions to implement the components of the affordable housing plan.

¹⁰ Section 20, sub-section (b) of the AHPAA references the required calculation process by which IHDA must determine the exemption status of individual local governments.

¹¹ Ibid.

Local governments that have previously been determined as a Non-Exempt municipality and that have submitted an affordable housing plan shall also have to include a summary of actions taken to implement the previously submitted plan, as well as a summary of progress made toward achieving the goals of the plan.

To comply with the affordable housing plan requirements, no later than 4 years after adopting or updating an affordable housing plan the local government shall submit a report to IHDA summarizing actions taken to implement the current plan.

State Housing Appeals Board

In the AHPAA, Section 50 establishes the State Housing Appeals Board (SHAB) to hear all petitions for review filed under the Act, it lays out the SHAB's required membership, and requests IHDA to provide space, clerical, and other assistance as required by the Board. Directly corresponding with this, Section 30 details the process and requirements for filing appeals before the Board.

For more detailed information on the operations of the SHAB, what is required of appeals, and what to expect of potential outcomes of filing, consider reviewing the State Housing Appeals Board administrative rules at 47 Ill. Adm. Code Part 395, accessible on the Illinois General Assembly (ILGA) [website](#).

Do note, following the adoption of Public Act [103-0487](#) in August 2023, the SHAB administrative rules are set to be revised by the Joint Committee on Administrative Rules (JCAR) in cooperation with IHDA, to account for modifications to Sections 30 and 50 of the AHPAA. Once any administrative rules updates are finalized, IHDA will make all necessary changes to this handbook and publish an updated version on the IHDA website. Until such time, the below information summarizes the SHAB and its operations.

Membership of the State Housing Appeals Board

Per Section 50 of the Act, the SHAB shall be constituted of seven members appointed by the Governor:¹²

- 1) A retired circuit judge, a retired appellate judge, a current or retired administrative law judge, or a practicing or retired attorney with experience in the area of land use law or related field, who shall act as the chairperson.
- 2) 4 members selected from among the following categories:
 - a. County or municipal zoning board of appeals members
 - b. County or municipal planning board members
 - c. A mayor or municipal council or board member
 - d. A county board member
- 3) An affordable housing developer
- 4) An affordable housing advocate

In addition, the IHDA Chairperson, ex officio, shall serve as a non-voting member.

Appeals to the State Housing Appeals Board

Overall, Section 30 of the AHPAA states Appellants may file appeals to the SHAB against a Non-Exempt Local Government if a proposed affordable housing development was denied or approved with conditions that in the Appellant's judgement render the provision of affordable housing infeasible.

What is a Housing Appeal?

Under the AHPAA, a housing appeal functions as a formal petition by an Appellant, to the SHAB for a review of the evidence, facts, and circumstances surrounding a local government's decision to deny or approve with conditions, an application for affordable housing development. Appeals provide Appellants an opportunity to state their objections to the local government's decision, and to put forth a clear and concise statement of the relief being sought.

¹² SHAB membership requirements were modified by Public Act 103-0487. Note, Section 395.202 of the SHAB administrative rules, "Organization of the Board", may not correspond with Section 50 of the AHPAA as amended by Public Act 103-0487 because the JCAR administered post amendment rules making process is still pending.

Who Can File an Appeal?

The Act dictates an “Appellant”, one who can file an appeal before the SHAB, as being one of the following:

- The affordable housing developer of the proposed affordable housing development.
- A person who would be eligible to apply for residency in the proposed affordable housing development.
- A housing organization whose geographic focus area includes the municipality, or county if in an unincorporated area, where the proposed affordable housing development is located.

Outcomes of Housing Appeals Before the SHAB

Appeals put before the SHAB have three potential outcomes based on the evidence presented and the matters officially noticed by the Board. Described in more detail below, they include dismissal, reversal of denials, and modification of the conditions of Local Government approval.

Grounds for Dismissal of Appeals

Generally, appeals before the Board shall be dismissed if the following conditions are met:

- The local government was determined to be exempt from the AHPAA pursuant to Section 20(c); or
 - If applicable, the local government shall address allegations by the Appellant that the determination of Exempt status is incorrect.
- The local government has implemented its affordable housing plan and has met its goal as established in Section 25 of the AHPAA; or
- The reason for denying the application for affordable housing development, or for placing conditions upon the approval is a **Non-appealable Local Government Requirement**.
 - *Non-appealable local government requirements are “all essential requirements that protect the public health and safety, including any local building, electrical, fire, or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment.” Zoning, density, and bulk restrictions may count as Non-Appealable Local Government Requirements if the SHAB finds they qualify under the definition of Non-Appealable Local Government Requirements in Section 15 of the AHPAA.*

In the Case of Denied Applications

If the Board finds the Appellant has met the burden of proof, the Board will vacate the decision by the Local Government to deny the application for affordable housing development and will direct the Local Government to issue the appropriate permits to the affordable housing developer.

In the Case of Conditions Imposed by the Local Government

If the Board finds the Appellant has met the burden of proof, the Board will direct the Local Government to remove the conditions. Or, if the Board finds the conditions are unreasonable but can be modified to reasonably protect the health, safety, environmental design, open space, and other local concerns, the Board shall direct the Local Government to modify the conditions.

Requirements of Appeals to the State Housing Appeals Board

Individual appeals to the SHAB are governed by Section 30 of the AHPAA. In proceedings before the Board, appellants bear the burden of demonstrating that the proposed affordable housing development has been unfairly denied, or has unreasonable conditions placed upon it by the decision of the local government. In all hearings conducted before the Board, the standard of proof is preponderance of the evidence.¹³

Listed below are specific requirements of housing appeals, which were taken from the SHAB [administrative rules](#). Please note that as the administrative rules are pending revision, some specifics may change. IHDA will update and reissue this handbook following completion of any rules making process which leads to changes in the below information.

Since the AHPAA was amended by Public Act [103-0487](#) to broaden who could file an appeal against a Non-Exempt Local Government, as appropriate, the terms “developer” or “Affordable Housing Developer”, have been substituted in the following, with the now relevant term “Appellant(s)”.

The State Housing Appeals Board may hear appeals once the following conditions are met:

- A developer, believing there is a market for such housing, must obtain site control in a Non-Exempt Local Government and voluntarily come forward with a proposal that includes at least 20% of the dwelling units being subject to covenants or restrictions which require that the dwelling units be sold or rented at prices that preserve them as affordable housing for a period of at least 15 years, in the case of for-sale housing, and at least 30 years, in the case of rental housing.¹⁴
- The developer’s proposal must be denied or approved with conditions that rendered the project infeasible by the local government’s governing board.
- Per Section 395.305 of the rules, the Appellant must file an appeal with the State Housing Appeals Board within 45 days of the local government decision to deny an application for affordable housing development. Initial pleadings filed by the Appellant must include the following:
 - A clear and concise statement of the prior proceedings (related to the proposed development) before all approving authorities, including the date of notice of the decision that the Appellant is appealing.
 - A clear and concise statement of the Appellant’s objections to the approving authority’s decision, indicating why the Appellant believes the application to develop affordable housing was unfairly denied, which may include an appeal of IHDA’s determination of the exempt status of the local government as set forth in Section 395.401, or what conditions, if any, were imposed that the Appellant believes were unreasonable.
 - A clear and concise statement setting forth the relief sought.
 - The complete name and address of the Appellant for the purpose of service of papers in connection with the appeal.
 - The name and address of the attorney or attorneys representing the Appellant, if any.
 - A complete copy of the application for the affordable housing development, as it was submitted to the approving authority, including sufficient information to determine whether the proposal that is the subject of the appeal is affordable housing.

¹³ Merriam-Webster.com Legal Dictionary, s.v. “preponderance of the evidence,” accessed November 17, 2023, <https://www.merriam-webster.com/legal/preponderance%20of%20the%20evidence>.

¹⁴ Reference Section 395.103 of the SHAB rules, specifically the definition of “Affordable Housing Development”.

During the appeals process, the Appellant must provide compelling evidence to convince the State Housing Appeals Board the following in the case of denials:

- The proposed affordable housing development complies with all non-appealable local government requirements and all relevant federal and state statutes and regulations.¹⁵ The Appellant must prove these elements with respect to only those aspects of the project that are in dispute; or
- Non-appealable local government requirements or federal or state statutes or regulations have been applied differently to proposals that do not include affordable housing; or
- The approving authority has a pattern of denying applications to develop affordable housing; or
- The approving authority changed the zoning of an area regarding a specific affordable housing development that, but for the change in zoning, is otherwise able to proceed, or has a pattern of changing zoning of an area in regard to affordable housing developments that, but for the change in zoning, are otherwise able to proceed; or
- The approving authority unreasonably or intentionally delayed its decision regarding a specific affordable housing development that, but for the lack of timely decision by the approving authority, is otherwise able to proceed, or has a pattern of unreasonably or intentionally delaying its decisions on applications for affordable housing developments that, but for the lack of timely decisions of the approving authority, are otherwise able to proceed; or
- IHDA's determination that the local government is exempt from the AHPAA is incorrect based on the counting protocols set forth in Section 20 of the Act and any written guidance published by IHDA; or
- The denial of the application for the affordable housing development was unfair because it otherwise inhibits the construction of affordable housing.

During the appeals process, the Appellant must provide compelling evidence to convince the State Housing Appeals Board the following in the case of approvals with conditions which are unreasonable:

- The approving authority has generally not imposed unreasonable conditions on similar developments; or
- The conditions are not necessary to further the asserted approving authority interest; or
- Less costly conditions can be imposed on the proposed affordable housing development that sufficiently address the asserted approving authority interest.

Do note, while the above requirements pertain to Appellants, the local government, or approving authority, has equal opportunity to present evidence and defend itself against claims made by the Appellant(s).

¹⁵ “Non-Appealable Local Government Requirements”: All essential requirements that protect the public health and safety, including any local building, electrical, fire, or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment. Zoning, density, and bulk restrictions may count as Non-Appealable Local Government Requirements if the SHAB finds they qualify under the Act’s definition of Non-Appealable Local Government Requirements in Section 15 of the AHPAA.

Timeline for Filing Appeals

Appeals to the SHAB may be filed by Appellants within 45 days after the decision by the approving authority, to either deny the application for affordable housing development, or to approve it, but with conditions deemed unreasonable by the Appellant.

The failure of a Non-Exempt Local Government to submit an affordable housing plan to IHDA, as required under Section 25 of the AHPAA shall not prevent an Appellant from filing an appeal with the SHAB. However, in the case of local governments which have been deemed Non-Exempt for the first time, Appellants may not file an appeal until 6 months after the local government has been notified of its Non-Exempt status.¹⁶

¹⁶ Note: Prior to changes under Public Act 103-0487, appeals could not be filed against a first time Non-Exempt Local Government until 60 months after notification of its status.

Appendices

Materials in the following appendices have been produced or gathered to assist Non-Exempt Local Governments with their understanding of the AHPAA. Should an NELG have any questions which are not answered by this handbook, its appendices, or corresponding AHPAA materials provided by IHDA, then reach out to IHDA’s Strategic Planning and Reporting Department (SPAR) at AHPAA@ihda.org.

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Appendix A: Frequently Asked Questions (FAQ)

Can a Non-Exempt Local Government appeal their exemption status?

The State Housing Appeals Board has the authority to review the legitimacy of exemption status, but only in the case of an Appellant's housing appeal related to that community. If a Non-Exempt Local Government wishes to submit information that may affect their exemption status in the eyes of the State Housing Appeals Board, then they may submit those materials to IHDA for the State Housing Appeals Board, as records to be reviewed at the time of an appeal.

Why are Metropolitan Statistical Area figures for median household income used for some places and county figures for other places?

The AHPAA statute specifies affordability calculations be based on the median household income (MHI) of the applicable Metropolitan Statistical Area (MSA(s)) data where available, and county data where MSA level data is not available. The U.S. Office of Management and Budget (OMB) regularly publishes guidance on the definitions and delineations of MSAs, and that information is adopted by the U.S. Census Bureau and various federal funding sources for use in their programming. The AHPAA was written to accommodate MSA data to ensure that areas of population concentration with a high degree of economic and social integration are treated as a whole. Areas for which county data were used are generally rural in nature. For the 2023 AHPAA Local Government Exemption Determination Cycle, IHDA used MSA delineations for Illinois released by OMB in March 2020. These OMB delineations are accessible on the Census [website](#).

Does the count of affordable units in a local government reflect the number of households currently paying more than 30% of income?

No. The analysis undertaken during the AHPAA-mandated Local Government Exemption Determination Process compares the cost of home buying (at 80% MHI) or renting (at 60% MHI) in a given community, using the area's (MSA or county level) median household income, and cross compares against the total count of local housing units available to both owners and renters to determine counts of units which would be considered affordable per the Act. Information utilized in the analysis is based on household level responses to the U.S. Census Bureau's, American Community Survey (ACS) 5-Year Estimates.

What is the State Housing Appeals Board?

Under the AHPAA, the State Housing Appeals Board (SHAB) was established to hear and deliver outcomes based on petitions by Appellants for review of the evidence, facts, and circumstances surrounding a Non-Exempt Local Government's decision to deny or approve with conditions, an application for affordable housing development. The SHAB consists of seven members:

- A retired circuit judge, a retired appellate judge, a current or retired administrative law judge, or a practicing or retired attorney with experience in the area of land use law or related field, who shall act as chairperson,
- 4 members selected from among the following categories:
 - County or municipal zoning board of appeals members
 - County or municipal planning board members
 - A mayor or municipal council or board member
 - A county board member
- An affordable housing developer
- An affordable housing advocate

IHDA's Chairperson serves as an ex-officio member.

Who is an “Appellant”?

The Act dictates an “Appellant”, one who can file an appeal before the SHAB, as being one of the following:

- The affordable housing developer of the proposed affordable housing development.
- A person who would be eligible to apply for residency in the proposed affordable housing development.
- A housing organization whose geographic focus area includes the municipality, or county if in an unincorporated area, where the proposed affordable housing development is located.

How does an appellant file an appeal with the State Housing Appeals Board (SHAB)?

An Appellant wishing to file an appeal should send a complete package with all materials identified in the AHPAA and the SHAB administrative rules to IHDA’s Strategic Planning and Reporting Department (SPAR), addressed as follows:

Illinois Housing Development Authority
ATTN: SPAR
RE: State Housing Appeals Board (SHAB)
111 E. Wacker Drive, Ste. 1000
Chicago, IL 60601

Are municipalities required to own the affordable housing developed within their borders?

No. A Non-Exempt Local Government is not expected to own or manage affordable housing to comply with the AHPAA. However, the planning requirements of the AHPAA suggest that municipalities can and are encouraged to help facilitate affordable housing development by providing local incentives, some of which may involve municipally created nonprofit ownership or management of a property (e.g., a community land trust under an inclusionary housing program or a Community Housing Development Organization (CHDO) under a HOME program). Public support of an affordable housing development may be more appropriate in the form of a property donation or waiver of local development building and permit fees. In addition, nonprofits, and affiliates of Public Housing Authorities (PHAs) have also developed and managed affordable housing properties in Illinois.

To comply with the AHPAA statute, is a particular type of affordable housing necessary?

No. The type of affordable housing provided within a community is strictly a local decision. Neither IHDA nor the AHPAA require or prefer a particular type of affordable housing to comply with the law. Municipalities may decide to encourage affordable rental housing, affordable homeownership programs, or alternative types of housing tenure. In some cases, changes to local zoning and building codes may attract developers able to build housing without any subsidies or restrictions, and market them to residents at a price which is affordable per the AHPAA.

Are municipalities required to change zoning ordinances to comply with the AHPAA?

No. The AHPAA statute does not intend to dictate or override local zoning ordinances and building codes. Compliance does not necessarily require a change in either zoning or building codes (nor density, design, or unit type requirements). The AHPAA includes consideration of non-appealable local government requirements these being defined as all essential requirements that protect the public health and safety, including any local building, electrical fire, or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment.

For compliance with the AHPAA, some communities may choose to utilize incentive programs, such as the establishment of an inclusionary zoning ordinance or other development incentives, and they may choose to modify local zoning ordinances to accommodate for affordable housing developments, but these are not required.

Are municipalities required to be involved with private real estate transactions?

No. Compliance with the AHPAA does not require municipal participation in private transactions. Unless a municipality chooses to become involved indirectly with private real estate transactions by establishing a community land trust (though community land can be established as a separate legal entity), there are no statutory requirements that necessitate municipal participation in real estate transactions beyond the approval of an affordable housing plan. Municipalities and counties are encouraged to participate in such projects financially, when feasible, via local CDBG and/or HOME Program funding and other local options, e.g., TIF Districts, waiver of development fees, etc. Also, approval and support of projects with affordable housing components such as LIHTC projects is encouraged.

To comply with the AHPAA statute, are municipalities required to develop property designated as parkland or open space?

No. The purpose of the AHPAA is to strongly encourage local planning strategies that foster the development of affordable housing. The law is not intended to dictate the type or location of affordable housing to be developed or to dictate land use in communities. While the AHPAA asks communities to consider surplus publicly owned properties as locations for potential affordable housing developments, it does not mandate the repurposing of already utilized public lands.

How are communities with little available land (“built out”) going to comply with the law?

The AHPAA does not force communities to categorically accept new developments that include affordable housing. In fact, this law may have minimal practical impact on communities which are already “built out”. Communities with little available undeveloped land could choose the option of 15% of all new development and redevelopment as a set-aside for affordable housing. The law simply provides that as a community continues to grow or redevelop, it should work to include some moderately priced housing, making it possible for those who work in and serve the community to afford to live there. Rehabilitation of existing housing and maintaining already present affordability are other options.

Will development of affordable housing in a municipality give it future “exempt” status?

This question does not have an easy answer for several reasons which are listed below. Still, it should be remembered the AHPAA generally does encourage all communities, Exempt and Non-Exempt alike, to undertake robust measures in support of affordable housing development, in addition to measures to preserve existing community affordability.

First, the AHPAA Local Government Exemption Determination Process does not identify individual housing units which are in fact affordable, it instead uses U.S. Census data among other sources, to calculate a generalized understanding of what portion of the total housing stock in a community would be considered affordable per the AHPAA. This portion of affordably priced housing is known as an “affordable housing share”. For would be low- and moderate-income homeowners and renters looking to reside in the community, an affordable housing share represents the hypothetical scope of the home purchase or rental unit options which are accessible among the total local year-round occupied housing stock.

Second, data utilized in the Exemption Determination analysis is based on household level responses to the U.S. Census Bureau’s, American Community Survey (ACS). This data is only as good as the quality of

the individual responses collected. Additionally, as Census Bureau estimates are collected on an ongoing basis, total counts of housing in each community will change with time based on the flow of development/redevelopment, and the survey participant responses.

Third, is the understanding of how the Census Bureau defines a housing unit. Per the AHPAA, data used to determine community affordability includes total year-round “housing units” as provided by the U.S. Census. Per the U.S. Census, a housing unit is defined as:

- A house, an apartment, a mobile home or trailer, a group of rooms, or a single room occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building, and which have direct access from outside the building or through a common hall. For vacant units, the criteria of separateness and direct access are applied to the intended occupants whenever possible.¹⁷

Not included in the total counts of housing units in communities as provided by the U.S. Census, and not used during the Exemption Determination Process, are dwelling places classed as “Group Quarters”, which the U.S. Census defines as:

- A group quarters is a place where people live or stay, in a group living arrangement, that is owned or managed by an entity or organization providing housing and/or services for the residents.
- This is not a typical household-type living arrangement. These services may include custodial or medical care as well as other types of assistance, and residency is commonly restricted to those receiving these services. People living in group quarters are usually not related to each other.
- Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.¹⁸

Are municipalities with home rule authority exempt from AHPAA?

Home rule units are not categorically exempt from AHPAA. A municipality’s status as a home rule unit has no direct bearing on the municipality’s AHPAA exemption status. Pursuant to 310 ILCS 67/70, a unit of local government, including a home rule unit, may not regulate the activities described in AHPAA in a manner more restrictive than the regulation of those activities by the State. Said section also expressly states that it is a limitation under the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the state.

What happens if a non-exempt local government fails to submit an affordable housing plan to the Illinois Housing Development Authority?

The Illinois Housing Development Authority is required by law to notify any such local government that the local government is in violation of State law. In addition, the Illinois Housing Development Authority may notify the Office of the Attorney General.

¹⁷ United States Census Bureau Glossary, Definition of “Housing Unit”, Accessed 11/08/2023, <https://www.census.gov/glossary/>.

¹⁸ Ibid.

What happens if a Non-Exempt Local Government submits an affordable housing plan to the Illinois Housing Development Authority, but it is deemed to be out of substantial compliance?

The Illinois Housing Development Authority is required by law to notify any such local government that the local government is in violation of State law. In addition, the Illinois Housing Development Authority may notify the Office of the Attorney General.

Under what circumstances might the Illinois Housing Development Authority decide to notify the Office of the Attorney General?

Any such decision will be made on a case-by-case basis depending on the facts and circumstances. It is unlikely that the Authority would report Non-Exempt Local Governments making good faith efforts to comply. However, Non-Exempt Local Governments who fail to submit a plan or who submit a plan that was not prepared in good faith should expect to be reported.

What can the Illinois Attorney General do if a unit of local government is out of compliance?

The Attorney General may seek to enforce the act via an action for mandamus or injunction or by means of other appropriate relief.

Appendix B: Financial Assistance Available to Non-Exempt Local Governments

Local governments seeking to encourage affordable housing production to proactively increase the number of housing units classed as affordable per the AHPAA, have local planning and development tools at their disposal. Additionally, several federal and state funding sources are available for the creation or preservation of affordable housing.

Local Government Planning Tools and Programming Options for Housing Development

Listed below are local planning and development options that communities may utilize to promote affordability:

- Zoning/land use designations and corresponding ordinances
- Reduction in Development Fees / Fee Waivers (building permit fees; planning fees; capital facilities fees; inspection fees; “tap-on” fees)
- Expedited Permitting for Affordable Housing
- Covenants
- Land Leases
- Community Land Trusts
- Deed Restrictions (on affordability)
- Use Restrictions
- Resale Restrictions
- Inclusionary Zoning (mandatory; voluntary; negotiated / ad hoc)
- Use of Public Funding (IHDA funds; federal funding; tax credits; assistance with local subsidies, such as CDBG or HOME)
- Planned Unit Development (PUD) ordinances

Federal & State Resources for Housing Development

Discussed below are federal, state, and local resources that may be accessed for assistance by nonprofit developers, for-profit developers, and local governments for the creation and preservation of affordable housing:

Community Development Block Grants (CDBG) – CDBG funds are annual federal grants available on a formula basis to states, cities, and counties through the U.S. Department of Housing and Urban Development (HUD), to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. Certain housing activities constitute eligible uses, such as housing rehabilitation, land acquisition and homebuyer assistance.

For more information on CDBG, review this [link](#), as well as Appendix D of this handbook for a listing of CDBG and HOME Administrators.

HOME Participating Jurisdictions and Consortium Funding – Also funded through HUD, federal HOME funds are available via a formula grant to state and local government participating jurisdictions (PJs). HOME funds can be used for rental housing construction or rehabilitation as loans or grants, first-time homebuyer assistance, and rehabilitation assistance for homeowners. An annual portion of HOME funds (15%) is required to be set-aside for eligible Community Housing Development Organizations (CHDOs). All housing developed with HOME funds must serve income eligible households (limits are 80% AMI for homeowners

and renters, however the PJ has a responsibility to ensure that portfolio wide at least 90% of units have initial occupants that are 60% AMI or less). For more information on the HOME Program, review this [link](#).

IHDA is the designated agency to oversee HOME funds across the state of Illinois. IHDA can allocate HOME funds throughout the state but generally gives preference to areas which do not have their own local HOME funds as a PJ. Information on IHDA's HOME funds can be found the Authority's [website](#).

Please Note: HUD provides CDBG and HOME grant funds on a state, municipal, or county basis. See Appendix D of this handbook for a list of the local and county administrators.

Bond Financing – Tax-exempt, private activity bonds are a financing tool that can be applied to both single-family and multi-family housing programs. Tax-exempt bonds can be issued locally or by IHDA and may be utilized in combination with qualifying Low-Income Housing Tax Credit projects, as well as with HUD's Risk Sharing Insurance Program (which is administered by IHDA).

IHDA is a designated public agency authorized to issue bonds to finance affordable housing within the State of Illinois for home mortgages. Such financing is generally limited by the IRS Tax Code to first-time homebuyers (except targeted areas).

For more information on homebuyer programs at IHDA, please see ihdamortgage.org.

Tax Increment Financing (TIF) Districts – TIF districts can be established by municipalities as a statutory financing tool to generate funds for economic development in a specific geography. Under the State's TIF law, when a municipality creates a TIF district, the amount of tax revenue the area currently generates is set as a baseline, which will serve as the amount that the local governmental taxing bodies will receive from that area for the life of the TIF, typically 23 years. As vacant, dilapidated, and underutilized properties are revitalized through development with TIF assistance, the value and tax revenue from those properties increases. The "increment" above the baseline is then captured and used solely for improvements and redevelopment activities in that TIF district.

There are currently many TIF districts within the state of Illinois. For more information on TIF in Illinois, consider reviewing the below links:

- [Illinois Tax Increment Association](#)
- [Illinois Municipal League TIF Resources](#)

Illinois Housing Development Authority (IHDA) – IHDA is the state's designated housing finance agency. Through IHDA financing, communities and developers can access many sources of funding and tax credits from both state and federal sources. IHDA's [website](#) is an excellent source of information, describing the purpose and application process for all our funding sources.

The Authority offers a large array of funding that can help communities in their quest to develop more affordable housing. Some of which are:

- **Low-Income Housing Tax Credits (LIHTC)** – Created by the U.S. Congress in 1986, the federal LIHTC program, promotes the development of affordable housing for low-income households. LIHTC is administered at a state level by housing finance agencies, (i.e., IHDA), and is the primary vehicle for affordable housing production in the United States. As a LIHTC administrator, IHDA is required to publish a Qualified Allocation Plan (QAP) that details how it intends to award tax credits. The

most current (2024-2025) QAP includes scoring incentives for targeted distribution of the tax credits. Two points are awarded to projects located in AHPAA NELGs. For more information, see IHDA's [website](#).

- **Illinois Affordable Housing Tax Credits (IAHTC) (State Donations Tax Credit)** – The credit encourages private investment in affordable housing by providing donors of qualified donations with a one-time tax credit on their Illinois state income tax equal to 50% of the value of the donation. The donor can choose to transfer the credits to the project, which creates additional project financing through syndication of the credits. This is an excellent source of gap financing for rental, homeowner and employer assisted housing projects being developed or operated by a nonprofit organization. Eligible units are between 50% -120% AMI levels, depending on the type of project/program. For more information see IHDA's [website](#).
- **Illinois Affordable Housing Trust Fund** – Funded through a portion of the real estate transfer tax, this State funding source assists in the development of affordable housing across the state. Eligible uses include acquisition, new construction, rehabilitation, and preservation of existing housing. For more information on the Trust Fund, see IHDA's Soft Funds resources on IHDA's [website](#).
- **National Housing Trust Fund** – This is a HUD-funded, IHDA-administered program, targeted to extremely low-income (30% AMI or below) renter households.
- **Multi-Family Financing** – IHDA offers a variety of financing options specific to multi-family housing developments. Through federal and state tax credits and tax-exempt financing, private capital is leveraged to produce housing for low- to moderate-income households across Illinois.
- **Single-Family Financing** - IHDA finances mortgages and offers down payment assistance through participating lenders, making it easier for low- and moderate-income families to qualify and afford a home. For more information, including how to find an IHDA approved lender, use this [link](#). Additionally, partnering with local nonprofit organizations and units of local government, IHDA offers home repair programs for low- to moderate-income homeowners. Forgivable loans are made to make necessary repairs and accessibility improvements that allow residents to stay in their homes. More information on IHDA's revitalization and repair resources is available on the Authority [website](#).

Employer Assisted Housing (EAH) – These programs (both national and statewide) encourage employers to invest in housing for their employees. An EAH program typically includes counseling about home buying and financing, direct financial assistance with downpayment and payments, rental housing assistance and/or a real estate investment. For more information on EAH programs as a strategy in the Chicago metro area, visit the Metropolitan Planning Council [website](#).

Class 9 Property Tax Incentive (Cook County) – This incentive is designed to encourage new development, rehabilitation, and long-term preservation of multi-family rental housing, affordable to low- and moderate-income households across Cook County by providing significant tax abatement to qualified properties. For more information visit the Cook County Assessor's Office [website](#).

Federal Home Loan Bank (FHLB) – Through the Affordable Housing Program (AHP) General Fund, FHLB member institutions partner with for- and not-for-profit developers, community organizations, units of

local government, public housing authorities, and tribal governments to apply for annual grants to subsidize the acquisition, new construction, and/or rehabilitation of affordable rental or owner-occupied housing for low- and moderate-income households. AHP subsidy is provided as a forgivable grant from the FHLB, through a member, to a project sponsor. For more information, visit the FHLB [website](#).

Community Investment Corporation (CIC) – CIC is a nonprofit corporation whose mission is to be a leading force in affordable housing and neighborhood revitalization through innovative financing, program, and policy leadership. CIC is a source of financing for the acquisition, rehabilitation, and preservation of affordable rental housing in Chicago neighborhoods and suburban communities. Please visit the CIC [website](#).

Illinois Facilities Fund (IFF) – A leading nonprofit community development financial institution (CDFI), IFF strengthens nonprofits and their communities through lending and real estate consulting. IFF can help nonprofits finance, plan, and build facilities that are critical to their mission and success. IFF serves nonprofits in Illinois and other Midwestern states, with a focus on those that serve low- and moderate-income communities and special needs populations. For more information, please visit the IFF [website](#).

Appendix C: Technical Assistance Available to Non-Exempt Local Governments

Several organizations have resources to assist local governments interested in developing affordable housing programs, incentives and/or plans for their community.

Chicago Metropolitan Agency for Planning (CMAP) – CMAP is the federally mandated Metropolitan Planning Organization (MPO) for the Northeast Illinois region, including Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will Counties. CMAP is charged with developing and implementing the region’s long-range, comprehensive plan. The current plan [ON TO 2050](#) emphasizes the importance of planning for a range of housing options in regionally and locally appropriate ways. To implement the plan, CMAP provides staff assistance to communities through the agency’s Local Technical Assistance program, which seeks project proposals from communities in the spring each year. CMAP is a previous partner organization for the Homes for a Changing Region initiative, more information on this initiative is included below. For more information on CMAP and its programming, visit the CMAP [website](#).

Metropolitan Mayors Caucus (MMC) – MMC provides a forum through which the chief elected officials of the region cooperatively develop consensus on common public policy issues and multi-jurisdictional challenges. With a foundation of collaboration and consensus-based decision-making, it serves several functions for its partner organizations and local governments. With its partners, MMC has developed a number of housing-related resources for its membership base including [Homes for a Changing Region](#). Funded by IHDA, the Homes initiative provides community-level affordable housing planning assistance throughout Northeast Illinois to create housing options to serve the needs of all income levels, especially low- to moderate-income households. For more information on MMC, please visit its [website](#).

Metropolitan Planning Council (MPC) – MPC is dedicated to shaping a more equitable, sustainable, and prosperous greater Chicago region. MPC serves communities and residents by developing, promoting, and implementing solutions for sound regional growth. Through research, advocacy, and demonstration projects, MPC is a partner to governments, businesses, and communities as each confronts the region’s pressing needs. MPC is a previous partner organization for the Homes for a Changing Region initiative. For more information, visit the MPC [website](#).

IHDA’s Community Revitalization Technical Assistance Program – IHDA is committed to expanding the capacity of underserved communities in Illinois to identify local housing needs and to empower those communities to take steps to meet their needs. To this aim, IHDA offers free planning services to communities and organizations statewide through its Community Revitalization (CR) Technical Assistance Program. Through this program, IHDA partners with residents, leaders, and organizations to undertake planning activities, develop strategies for future revitalization and investment, and produce official planning documentation for communities to utilize in their pursuit of future development. Because Community Revitalization strategies and activities are incentivized within IHDA’s Low-Income Housing Tax Credit (LIHTC) program; IHDA’s Community Revitalization staff are available to provide technical assistance to sponsors and communities seeking to submit their strategies as part of their LIHTC application.

For more information on IHDA’s CR Program, including how to begin a partnership with IHDA’s CR Team, please visit the IHDA [website](#).

Impact for Equity – Formerly known as Business and Professional People for the Public Interest (BPI), Impact for Equity is a public interest law and policy center that works throughout the Chicago region. The group’s housing program works to preserve and expand the supply of housing affordable to working

people, seniors, and young families, especially in areas of opportunity, and seeks to stabilize and strengthen neighborhoods that already have a large supply of affordable housing. Frequently working in collaboration with local governments and other local partners, Impact for Equity has helped local leaders to assess local housing needs and trends, conducted research on best practices from across the country, and helped to develop and improve local policies and programs. For example, they have assisted local governments in developing policies and programs that facilitate the creation of affordable housing, including incentives that allow developers to cover the cost of high-quality affordable housing at no cost to the local government. Impact for Equity has also worked with local governments to develop programs that preserve existing affordable units. For more information visit their [website](#).

Appendix D: CDBG and HOME Program Administrators Directory

Individual communities that do not receive direct allocations of Community Development Block Grants (CDBG) or HOME Investment Partnerships Program (HOME) funds from HUD may be in a county which does receive a direct allocation. Local funding administrators can partner with communities seeking resources for affordable housing initiatives or residential developments.

HUD maintains a listing of communities across the country which receive funding under its different initiatives, including CDBG and HOME. Local governments wishing to identify opportunities for funding and partnerships should review the HUD Awards and Allocations [website](#).

Additionally, for a statewide list of CDBG entitlement areas in Illinois, including access to contact information, use this [link](#).

Appendix E: 310 ILCS 67 (AHPAA Statute as Amended)

Provided below is the text of the Affordable Housing Planning and Appeal Act (AHPAA) as amended, including most recently by Public Act [103-0487](#). This language was sourced from the Illinois General Assembly Compiled Statutes [website](#).

(310 ILCS 67/) Affordable Housing Planning and Appeal Act.

(310 ILCS 67/1)

Sec. 1. Short title. This Act may be cited as the Affordable Housing Planning and Appeal Act.
(Source: P.A. 93-595, eff. 1-1-04.)

(310 ILCS 67/5)

Sec. 5. Findings. The legislature finds and declares that:

- (1) there exists a shortage of affordable, accessible, safe, and sanitary housing in the State;
- (2) it is imperative that action be taken to assure the availability of workforce and retirement housing;
and
- (3) local governments in the State that do not have sufficient affordable housing are encouraged to assist in providing affordable housing opportunities to assure the health, safety, and welfare of all citizens of the State.

(Source: P.A. 93-595, eff. 1-1-04.)

(310 ILCS 67/10)

Sec. 10. Purpose. The purpose of this Act is to encourage counties and municipalities to incorporate affordable housing within their housing stock sufficient to meet the needs of their county or community. Further, affordable housing developers who believe that they have been unfairly treated due to the fact that the development contains affordable housing may seek relief from local ordinances and regulations that may inhibit the construction of affordable housing needed to serve low-income and moderate-income households in this State.

(Source: P.A. 93-595, eff. 1-1-04.)

(310 ILCS 67/15)

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

"Affordable housing" means housing that has a value or cost or rental amount that is within the means of a household that may occupy moderate-income or low-income housing. In the case of owner-occupied dwelling units, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit. In the case of dwelling units for rent, the costs of any required parking, maintenance, or landlord-imposed fees are to be included in the calculation of affordable housing if available from the U.S. Census Bureau.

"Affordable housing developer" means a nonprofit entity, limited equity cooperative or public agency, or private individual, firm, corporation, or other entity seeking to build an affordable housing development.

"Affordable housing development" means (i) any housing that is subsidized by the federal or State government or (ii) any housing in which at least 20% of the dwelling units are subject to covenants or restrictions that require that the dwelling units be sold or rented at prices that preserve them as affordable housing for a period of at least 15 years, in the case of owner-occupied housing, and at least 30 years, in the case of rental housing.

"Approving authority" means the governing body of the county or municipality.

"Area median household income" means the median household income adjusted for family size for applicable income limit areas as determined annually by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937.

"Community land trust" means a private, not-for-profit corporation organized exclusively for charitable, cultural, and other purposes and created to acquire and own land for the benefit of the local government, including the creation and preservation of affordable housing.

"Development" means any building, construction, renovation, or excavation or any material change in any structure or land, or change in the use of such structure or land, that results in a net increase in the number of dwelling units in a structure or on a parcel of land by more than one dwelling unit.

"Exempt local government" means any local government in which at least 10% of its total year-round housing units are affordable, as determined by IHDA in accordance with Section 20, or any municipality with a population under 1,000.

"Household" means the person or persons occupying a dwelling unit.

"Housing organization" means a trade or industry group engaged in the construction or management of housing units, or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low or moderate-income households.

"Housing trust fund" means a separate fund, either within a local government or between local governments pursuant to intergovernmental agreement, established solely for the purposes authorized in subsection (d) of Section 25, including, without limitation, the holding and disbursing of financial resources to address the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing.

"Local government" means a county or municipality.

"Low-income housing" means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50% of the area median household income.

"Moderate-income housing" means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than 50% but does not exceed 80% of the area median household income.

"Non-appealable local government requirements" means all essential requirements that protect the public health and safety, including any local building, electrical, fire, or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment.
(Source: P.A. 102-175, eff. 7-29-21; 103-487, eff. 1-1-24.)

(310 ILCS 67/20)

Sec. 20. Determination of exempt local governments.

(a) Beginning October 1, 2004, the Illinois Housing Development Authority shall determine which local governments are exempt and not exempt from the operation of this Act based on an identification of the total number of year-round housing units in the most recent data from the U.S. Census Bureau for each local government within the State and by an inventory of owner-occupied and rental affordable housing units, as defined in this Act, for each local government from the U.S. Census Bureau and other relevant sources.

(b) The Illinois Housing Development Authority shall make this determination by:

- (i) totaling the number of owner-occupied housing units in each local government that are affordable to households with a gross household income that is less than 80% of the median household income within the county or primary metropolitan statistical area;
- (ii) totaling the number of rental units in each local government that are affordable to households with a gross household income that is less than 60% of the median household income within the county or primary metropolitan statistical area;
- (iii) adding the number of owner-occupied and rental units for each local government from items (i) and (ii); and
- (iv) dividing the sum of (iii) above by the total number of year-round housing units in the local government as contained in the latest U.S. Census Bureau and multiplying the result by 100 to determine the percentage of affordable housing units within the jurisdiction of the local government.

(c) Beginning on the effective date of this amendatory Act of the 98th General Assembly, the Illinois Housing Development Authority shall publish a list of exempt and non-exempt local governments and the data that it used to calculate its determination at least once every 5 years. The data shall be shown for each local government in the State and for the State as a whole. Upon publishing a list of exempt and non-exempt local governments, the Illinois Housing Development Authority shall notify a local government that it is not exempt from the operation of this Act and provide to it the data used to calculate its determination.

(d) A local government or developer of affordable housing may appeal the determination of the Illinois Housing Development Authority as to whether the local government is exempt or non-exempt under this Act in connection with an appeal under Section 30 of this Act.

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

Sec. 25. Affordable housing plan.

(a) Prior to April 1, 2005, all non-exempt local governments must approve an affordable housing plan. Any local government that is determined by the Illinois Housing Development Authority under Section 20 to be non-exempt for the first time based on the recalculation of U.S. Census Bureau data after 2010 shall have 18 months from the date of notification of its non-exempt status to approve an affordable housing plan under this Act. On and after the effective date of this amendatory Act of the 102nd General Assembly, 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.

(b) For the purposes of this Act, the affordable housing plan shall consist of at least the following:

- (i) a statement of the total number of affordable housing units that are necessary to exempt the local government from the operation of this Act as defined in Section 15 and Section 20;
- (ii) an identification of lands within the jurisdiction that are most appropriate for the construction of affordable housing and of existing structures most appropriate for conversion to, or rehabilitation for, affordable housing, including a consideration of affordable housing for both owner-occupied dwelling units and dwelling units for rent, lands and structures of developers who have expressed a commitment to provide affordable housing, and lands and structures that are publicly or semi-publicly owned;
- (iii) incentives that local governments may provide for the purpose of attracting affordable housing to their jurisdiction;
- (iv) a description of any housing market conditions, infrastructure limitations, local government ordinances, including zoning and land use ordinances, local government policies or practices that do not affirmatively further fair housing as defined in the federal Fair Housing Act, and other factors that may constrain the local government's ability to create and preserve affordable housing;
- (v) a plan or potential strategies to eliminate or mitigate these constraints identified in item (iv);
- (vi) one or more of the following goals: a minimum of 15% of all new development or redevelopment within the local government that would be defined as affordable housing in this Act; a minimum of a 5 percentage point increase in the overall percentage of affordable housing within its jurisdiction, as described in subsection (b) of Section 20 of this Act; or a minimum of a total of 10% affordable housing within its jurisdiction as described in subsection (b) of Section 20 of this Act. These goals may be met, in whole or in part, through the creation of affordable housing units under intergovernmental agreements as described in subsection (e) of this Section; and
- (vii) proposed timelines to commence, within the first 24 months after the date upon which the affordable housing plan was adopted, for actions to implement the components of the affordable housing plan.

Local governments that have previously been determined as a non-exempt municipality and that have submitted an affordable housing plan shall also include a summary of actions taken to implement the previously submitted plan, as well as a summary of progress made toward achieving the goals of the plan.

To comply with the affordable housing plan requirements, no later than 4 years after adopting or updating an affordable housing plan the local government shall submit a report to the Illinois Housing Development Authority summarizing actions taken to implement the current plan.

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

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

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

- (A) Housing production, including, without limitation, new construction, rehabilitation, and adaptive re-use.
- (B) Acquisition, including, without limitation, land, single-family homes, multi-unit buildings, and other existing structures that may be used in whole or in part for residential use.
- (C) Rental payment assistance.

- (D) Home-ownership purchase assistance.
- (E) Preservation of existing affordable housing.
- (F) Weatherization.
- (G) Emergency repairs.
- (H) Housing related support services, including homeownership education and financial counseling.
- (I) Grants or loans to not-for-profit organizations engaged in addressing the affordable housing needs of low-income and moderate-income households. Local governments may authorize housing trust funds to accept and utilize funds, property, and other resources from all proper and lawful public and private sources so long as those funds are used solely for addressing the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing.

(2) A local government may create a community land trust, which may: acquire developed or undeveloped interests in real property and hold them for affordable housing purposes; convey such interests under long-term leases, including ground leases; convey such interests for affordable housing purposes; and retain an option to reacquire any such real property interests at a price determined by a formula ensuring that such interests may be utilized for affordable housing purposes.

(3) A local government may use its zoning powers to require the creation and preservation of affordable housing as authorized under Section 5-12001 of the Counties Code and Section 11-13-1 of the Illinois Municipal Code.

(4) A local government may accept donations of money or land for the purpose of addressing the affordable housing needs of individuals or households that may occupy low-income or moderate-income housing. These donations may include, without limitation, donations of money or land from persons, as long as the donations are demonstrably used to preserve, create, or subsidize low-income housing or moderate-income housing within the jurisdiction.

(e) In order to encourage regional cooperation and the maximum creation of affordable housing in areas lacking such housing in the State of Illinois, any non-exempt local government may enter into intergovernmental agreements under subsection (e) of Section 25 with local governments within 10 miles of its corporate boundaries in order to create affordable housing units to meet the goals of this Act. A non-exempt local government may not enter into an intergovernmental agreement, however, with any local government that contains more than 25% affordable housing as determined under Section 20 of this Act. All intergovernmental agreements entered into to create affordable housing units to meet the goals of this Act must also specify the basis for determining how many of the affordable housing units created will be credited to each local government participating in the agreement for purposes of complying with this Act. All intergovernmental agreements entered into to create affordable housing units to meet the goals of this Act must also specify the anticipated number of newly created affordable housing units that are to be credited to each local government participating in the agreement for purposes of complying with this Act. In specifying how many affordable housing units will be credited to each local government, the same affordable housing unit may not be counted by more than one local government.

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

(g) The Illinois Housing Development Authority shall post each affordable housing plan submitted by a local government on the Illinois Housing Development Authority's website.

(Source: P.A. 102-175, eff. 7-29-21; 103-487, eff. 1-1-24.)

Sec. 30. Appeal to State Housing Appeals Board.

(a) (Blank).

(b) (Blank).

(b-5) Beginning January 1, 2026, any of the following parties may file an appeal as an appellant to the State Housing Appeals Board against a non-exempt municipality if the proposed affordable housing development was denied by the municipality, or approved with conditions that in the appellant's judgment render the provision of affordable housing infeasible:

(1) the affordable housing developer of the proposed affordable housing development;

(2) a person who would be eligible to apply for residency in the proposed affordable housing development; or

(3) a housing organization whose geographic focus area includes the municipality, or county if in an unincorporated area, where the proposed affordable housing development is located.

Appeals must be filed within 45 days after the decision by the municipality. The appellant must submit information regarding why the appellant believes the affordable housing development was unfairly denied or unreasonable conditions were placed upon the tentative approval of the development. In the case of local governments that are determined by the Illinois Housing Development Authority under Section 20 to be non-exempt for the first time based on the recalculation of U.S. Census Bureau data after the effective date of this amendatory Act of the 103rd General Assembly, no appellant may appeal to the State Housing Appeals Board until 6 months after a local government has been notified of its non-exempt status.

(c) Beginning on the effective date of this amendatory Act of the 98th General Assembly, the Board shall, whenever possible, render a decision on the appeal within 120 days after the appeal is filed. The Board may extend the time by which it will render a decision where circumstances outside the Board's control make it infeasible for the Board to render a decision within 120 days. In any proceeding before the Board, the appellant bears the burden of demonstrating that the proposed affordable housing development (i) has been unfairly denied or (ii) has had unreasonable conditions placed upon it by the decision of the local government.

(d) The Board shall dismiss any appeal if:

(i) the local government has adopted an affordable housing plan as defined in Section 25 of this Act and submitted that plan to the Illinois Housing Development Authority within the time frame required by this Act; and

(ii) the local government has implemented its affordable housing plan and has met its goal as established in its affordable housing plan as defined in Section 25 of this Act.

(e) The Board shall dismiss any appeal if the reason for denying the application or placing conditions upon the approval is a non-appealable local government requirement under Section 15 of this Act.

(f) The Board may affirm, reverse, or modify the conditions of, or add conditions to, a decision made by the approving authority. The decision of the Board constitutes an order directed to the approving authority and is binding on the local government.

(g) The appellate court has the exclusive jurisdiction to review decisions of the Board. Any appeal to the Appellate Court of a final ruling by the State Housing Appeals Board may be heard only in the Appellate Court for the District in which the local government involved in the appeal is located. The appellate court shall apply the "clearly erroneous" standard when reviewing such appeals. An appeal of a final ruling of the Board shall be filed within 35 days after the Board's decision and in all respects shall be in accordance with Section 3-113 of the Code of Civil Procedure.

(Source: P.A. 103-487, eff. 1-1-24.)

(310 ILCS 67/40)

Sec. 40. Nonresidential development as part of an affordable housing development.

(a) An affordable housing developer who applies to develop property that contains nonresidential uses in a nonresidential zoning district must designate either at least 50% of the area or at least 50% of the square footage of the development for residential use. Unless adjacent to a residential development, the nonresidential zoning district shall not include property zoned industrial. The applicant bears the burden of proof of demonstrating that the purposes of a nonresidential zoning district will not be impaired by the construction of housing in the zoning district and that the public health and safety of the residents of the affordable housing will not be adversely affected by nonresidential uses either in existence or permitted in that zoning district. The development should be completed simultaneously to the extent possible and shall be unified in design.

(b) For purposes of subsection (a), the square footage of the residential portion of the development shall be measured by the interior floor area of dwelling units, excluding that portion that is unheated. Square footage of the nonresidential portion shall be calculated according to the gross leasable area.

(Source: P.A. 93-595, eff. 1-1-04.)

Sec. 50. Housing Appeals Board.

(a) On and after the effective date of this amendatory Act of the 103rd General Assembly, the Housing Appeals Board consists of 7 members appointed by the Governor as follows:

(1) a retired circuit judge, a retired appellate judge, a current or retired administrative law judge, or a practicing or retired attorney with experience in the area of land use law or related field, who shall act as chairperson;

(2) 4 members selected from among the following categories:

(A) county or municipal zoning board of appeals members;

(B) county or municipal planning board members;

(C) a mayor or municipal council or board member;

(D) a county board member;

(3) an affordable housing developer; and

(4) an affordable housing advocate.

In addition, the Chairman of the Illinois Housing Development Authority, ex officio, shall serve as a non-voting member. At least 2 of the appointments under paragraph (2) shall be from a local government that is non-exempt under this Act.

(b) Initial terms of 4 members designated by the Governor under this amendatory Act of the 103rd General Assembly shall be for 2 years. Initial terms of 3 members designated by the Governor under this amendatory Act of the 103rd General Assembly shall be for one year. Thereafter, members shall be appointed for terms of 2 years. After a member's term expires, the member shall continue to serve until a successor is appointed. There shall be no limit to the number of terms an appointee may serve. A member shall receive no compensation for his or her services, but shall be reimbursed by the State for all reasonable expenses actually and necessarily incurred in the performance of his or her official duties. The Board shall hear all petitions for review filed under this Act and shall conduct all hearings in accordance with the rules and regulations established by the chairperson. The Illinois Housing Development Authority shall provide space and clerical and other assistance that the Board may require.

(c) (Blank).

(d) To the extent possible, any vacancies in the Housing Appeals Board shall be filled within 90 days of the vacancy.

(e) The terms of members serving before the effective date of this amendatory Act of the 103rd General Assembly expire on the effective date of this amendatory Act of the 103rd General Assembly.

(Source: P.A. 102-175, eff. 7-29-21; 103-487, eff. 1-1-24.)

(310 ILCS 67/51)

Sec. 51. Affordable housing for community college students. A non-exempt local government may develop affordable housing for community college students in coordination with a nonprofit affordable housing developer and the Housing Authority having jurisdiction of the area designated for the proposed affordable housing development.

(Source: P.A. 102-62, eff. 1-1-22.)

(310 ILCS 67/60)

Sec. 60. Rulemaking authority. The Illinois Housing Development Authority shall adopt other rules and regulations as needed to carry out the Board's responsibilities under this Act and to provide direction to local governments and affordable housing developers.

(Source: P.A. 94-303, eff. 7-21-05.)

(310 ILCS 67/70)

Sec. 70. Home rule application. Unless otherwise provided under this Act or otherwise in accordance with State law, a unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county, may not regulate the activities described in this Act in a manner more restrictive than the regulation of those activities by the State under this Act. 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.

(Source: P.A. 102-175, eff. 7-29-21.)

Appendix F: 2023 Listing of AHPAA Non-Exempt Local Governments

Provided below is a listing of the NELGs as determined under the 2023 Local Government Exemption Determination Process. This information is the same as is included in the “2023 Report on Non-Exempt Local Governments”.

The listing has been presented in two formats, ordinal and nominally. In either format, the same roster of communities is included. For information on Exempt Local Governments, please see the “2023 Statewide Report on Local Government Affordability”.

2023 Report of Non-Exempt Local Governments (Ordinal)

Determination based on 2016 American Community Survey 5-year Estimates.

#	Place	County	Population	Total Year-Round Units	Total Affordable Units	Affordable Housing Share
1	Kildeer	Lake	4,093	1,317	5	0.4%
2	Timberlane	Boone	1,323	385	5	1.3%
3	Inverness	Cook	7,684	2,768	40	1.4%
4	Riverwoods	Lake	3,742	1,298	20	1.5%
5	Kenilworth	Cook	2,423	755	12	1.6%
6	Tower Lakes	Lake	1,340	457	8	1.8%
7	Deer Park	Lake	3,638	1,269	24	1.9%
8	Western Springs	Cook	13,550	4,510	95	2.1%
9	South Barrington	Cook	5,012	1,661	35	2.1%
10	Lincolnshire	Lake	7,905	3,249	72	2.2%
11	Campton Hills	Kane	10,468	3,498	83	2.4%
12	Lily Lake	Kane	1,278	406	10	2.5%
13	North Barrington	Lake	2,814	992	26	2.6%
14	Bull Valley	McHenry	1,250	476	13	2.7%
15	Glencoe	Cook	8,824	3,195	87	2.7%
16	Hawthorn Woods	Lake	8,959	2,867	81	2.8%
17	Lake Bluff	Lake	5,878	2,150	63	2.9%
18	Barrington Hills	Cook	4,236	1,425	49	3.4%
19	Winnetka	Cook	12,658	4,353	159	3.6%
20	Hinsdale	DuPage	17,148	5,700	208	3.7%
21	Lakewood	McHenry	4,489	1,486	64	4.3%
22	Long Grove	Lake	8,258	2,449	106	4.3%
23	Burr Ridge	DuPage	11,167	4,506	201	4.5%
24	Deerfield	Lake	19,228	7,475	358	4.8%
25	Wilmette	Cook	27,895	10,331	501	4.8%
26	Northbrook	Cook	35,108	13,395	674	5.0%
27	Wayne	DuPage	2,548	924	50	5.4%

#	Place	County	Population	Total Year-Round Units	Total Affordable Units	Affordable Housing Share
28	Lake Forest	Lake	19,450	7,014	407	5.8%
29	Third Lake	Lake	1,137	428	26	6.2%
30	Northfield	Cook	5,853	2,383	150	6.3%
31	Spring Grove	McHenry	5,713	1,772	112	6.3%
32	Highland Park	Lake	30,245	12,079	766	6.3%
33	Frankfort	Will	20,040	6,405	406	6.3%
34	Oak Brook	DuPage	8,178	3,071	202	6.6%
35	Lincolnwood	Cook	13,358	4,766	318	6.7%
36	Geneva	Kane	21,472	7,964	584	7.3%
37	Homer Glen	Will	24,664	8,054	595	7.4%
38	Prairie Grove	McHenry	1,928	696	57	8.1%
39	Park Ridge	Cook	39,562	15,199	1,237	8.1%
40	Port Barrington	Lake	1,686	572	47	8.3%
41	Glenview	Cook	48,150	18,406	1,625	8.8%
42	Libertyville	Lake	20,616	7,458	691	9.3%
43	Elmhurst	DuPage	45,661	16,476	1,550	9.4%
44	River Forest	Cook	11,742	4,428	430	9.7%

See Nominal Listing on the next page.

2023 Report of Non-Exempt Local Governments (Nominal)
Determination based on 2016 American Community Survey 5-year Estimates.

#	Place	County	Population	Total Year-Round Units	Total Affordable Units	Affordable Housing Share
1	Barrington Hills	Cook	4,236	1,425	49	3.4%
2	Bull Valley	McHenry	1,250	476	13	2.7%
3	Burr Ridge	DuPage	11,167	4,506	201	4.5%
4	Campton Hills	Kane	10,468	3,498	83	2.4%
5	Deer Park	Lake	3,638	1,269	24	1.9%
6	Deerfield	Lake	19,228	7,475	358	4.8%
7	Elmhurst	DuPage	45,661	16,476	1,550	9.4%
8	Frankfort	Will	20,040	6,405	406	6.3%
9	Geneva	Kane	21,472	7,964	584	7.3%
10	Glencoe	Cook	8,824	3,195	87	2.7%
11	Glenview	Cook	48,150	18,406	1,625	8.8%
12	Hawthorn Woods	Lake	8,959	2,867	81	2.8%
13	Highland Park	Lake	30,245	12,079	766	6.3%
14	Hinsdale	DuPage	17,148	5,700	208	3.7%
15	Homer Glen	Will	24,664	8,054	595	7.4%
16	Inverness	Cook	7,684	2,768	40	1.4%
17	Kenilworth	Cook	2,423	755	12	1.6%
18	Kildeer	Lake	4,093	1,317	5	0.4%
19	Lake Bluff	Lake	5,878	2,150	63	2.9%
20	Lake Forest	Lake	19,450	7,014	407	5.8%
21	Lakewood	McHenry	4,489	1,486	64	4.3%
22	Libertyville	Lake	20,616	7,458	691	9.3%
23	Lily Lake	Kane	1,278	406	10	2.5%
24	Lincolnshire	Lake	7,905	3,249	72	2.2%
25	Lincolnwood	Cook	13,358	4,766	318	6.7%
26	Long Grove	Lake	8,258	2,449	106	4.3%
27	North Barrington	Lake	2,814	992	26	2.6%
28	Northbrook	Cook	35,108	13,395	674	5.0%
29	Northfield	Cook	5,853	2,383	150	6.3%
30	Oak Brook	DuPage	8,178	3,071	202	6.6%
31	Park Ridge	Cook	39,562	15,199	1,237	8.1%
32	Port Barrington	Lake	1,686	572	47	8.3%
33	Prairie Grove	McHenry	1,928	696	57	8.1%
34	River Forest	Cook	11,742	4,428	430	9.7%

#	Place	County	Population	Total Year-Round Units	Total Affordable Units	Affordable Housing Share
35	Riverwoods	Lake	3,742	1,298	20	1.5%
36	South Barrington	Cook	5,012	1,661	35	2.1%
37	Spring Grove	McHenry	5,713	1,772	112	6.3%
38	Third Lake	Lake	1,137	428	26	6.2%
39	Timberlane	Boone	1,323	385	5	1.3%
40	Tower Lakes	Lake	1,340	457	8	1.8%
41	Wayne	DuPage	2,548	924	50	5.4%
42	Western Springs	Cook	13,550	4,510	95	2.1%
43	Wilmette	Cook	27,895	10,331	501	4.8%
44	Winnetka	Cook	12,658	4,353	159	3.6%

Affordable Housing Planning and Appeal Act (AHPAA)

FREQUENTLY ASKED QUESTIONS (FAQ)

PUBLISHED IN ACCORDANCE WITH 310 ILCS 67 BY:
ILLINOIS HOUSING DEVELOPMENT AUTHORITY
STRATEGIC PLANNING AND REPORTING DEPARTMENT

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Document Purpose

In 2003, the Illinois General Assembly passed the Affordable Housing Planning and Appeal Act (AHPAA) ([310 ILCS 67](#)) to address the shortage of affordable, accessible, safe, and sanitary housing in communities across Illinois. To help Non-Exempt Local Governments (NELGs) understand the AHPAA and its implications for their communities, this FAQ was compiled to answer commonly asked questions. The information to follow is also included as Appendix A in the “2023 Non-Exempt Local Government Handbook” published by IHDA, and available on the [website](#). Given changes to the AHPAA in 2023, IHDA highly recommends NELGs review both this FAQ and the corresponding 2023 Handbook to fully understand AHPAA and its requirements.

For additional information, please email AHPAA@ihda.org.

Frequently Asked Questions (FAQ)

1) Can a Non-Exempt Local Government appeal their exemption status?

The State Housing Appeals Board has the authority to review the legitimacy of exemption status, but only in the case of an Appellant's housing appeal related to that community. If a Non-Exempt Local Government wishes to submit information that may affect their exemption status in the eyes of the State Housing Appeals Board, then they may submit those materials to IHDA for the State Housing Appeals Board, as records to be reviewed at the time of an appeal.

2) Why are Metropolitan Statistical Area figures for median household income used for some places and county figures for other places?

The AHPAA statute specifies affordability calculations be based on the median household income (MHI) of the applicable Metropolitan Statistical Area (MSA(s)) data where available, and county data where MSA level data is not available. The U.S. Office of Management and Budget (OMB) regularly publishes guidance on the definitions and delineations of MSAs, and that information is adopted by the U.S. Census Bureau and various federal funding sources for use in their programming. The AHPAA was written to accommodate MSA data to ensure that areas of population concentration with a high degree of economic and social integration are treated as a whole. Areas for which county data were used are generally rural in nature. For the 2023 AHPAA Local Government Exemption Determination Cycle, IHDA used MSA delineations for Illinois released by OMB in March 2020. These OMB delineations are accessible on the Census [website](#).

3) Does the count of affordable units in a local government reflect the number of households currently paying more than 30% of income?

No. The analysis undertaken during the AHPAA-mandated Local Government Exemption Determination Process compares the cost of home buying (at 80% MHI) or renting (at 60% MHI) in a given community, using area's (MSA or county level) median household income, and cross compares against the total count of local housing units available to both owners and renters to determine counts of units which would be considered affordable per the Act. Information utilized in the analysis is based on household level responses to the U.S. Census Bureau's, American Community Survey (ACS) 5-Year Estimates.

4) What is the State Housing Appeals Board?

Under the AHPAA, the State Housing Appeals Board (SHAB) was established to hear and deliver outcomes based on petitions by Appellants for review of the evidence, facts, and circumstances surrounding a Non-Exempt Local Government's decision to deny or approve with conditions, an application for affordable housing development. The SHAB consists of seven members:

- A retired circuit judge, a retired appellate judge, a current or retired administrative law judge, or a practicing or retired attorney with experience in the area of land use law or related field, who shall act as chairperson,
- 4 members selected from among the following categories:
 - County or municipal zoning board of appeals members
 - County or municipal planning board members
 - A mayor or municipal council or board member
 - A county board member
- An affordable housing developer
- An affordable housing advocate

IHDA's Chairperson serves as an ex-officio member.

5) Who is an “Appellant”?

The Act dictates an “Appellant”, one who can file an appeal before the SHAB, as being one of the following:

- The affordable housing developer of the proposed affordable housing development.
- A person who would be eligible to apply for residency in the proposed affordable housing development.
- A housing organization whose geographic focus area includes the municipality, or county if in an unincorporated area, where the proposed affordable housing development is located.

6) How does an appellant file an appeal with the State Housing Appeals Board (SHAB)?

An Appellant wishing to file an appeal should send a complete package with all materials identified in the AHPAA and the SHAB administrative rules to IHDA’s Strategic Planning and Reporting Department (SPAR), addressed as follows:

Illinois Housing Development Authority
ATTN: SPAR
RE: State Housing Appeals Board (SHAB)
111 E. Wacker Drive, Ste. 1000
Chicago, IL 60611

7) Are municipalities required to own the affordable housing developed within their borders?

No. A Non-Exempt Local Government is not expected to own or manage affordable housing to comply with the AHPAA. However, the planning requirements of the AHPAA suggest that municipalities can and are encouraged to help facilitate affordable housing development by providing local incentives, some of which may involve municipally created nonprofit ownership or management of a property (e.g., a community land trust under an inclusionary housing program or a Community Housing Development Organization (CHDO) under a HOME program). Public support of an affordable housing development may be more appropriate in the form of a property donation or waiver of local development building and permit fees. In addition, nonprofits, and affiliates of Public Housing Authorities (PHAs) have also developed and managed affordable housing properties in Illinois.

8) To comply with the AHPAA statute, is a particular type of affordable housing necessary?

No. The type of affordable housing provided within a community is strictly a local decision. Neither IHDA nor the AHPAA require or prefer a particular type of affordable housing to comply with the law. Municipalities may decide to encourage affordable rental housing, affordable homeownership programs, or alternative types of housing tenure. In some cases, changes to local zoning and building codes may attract developers able to build housing without any subsidies or restrictions, and market them to residents at a price which is affordable per the AHPAA.

9) Are municipalities required to change zoning ordinances to comply with the AHPAA?

No. The AHPAA statute does not intend to dictate or override local zoning ordinances and building codes. Compliance does not necessarily require a change in either zoning or building codes (nor density, design, or unit type requirements). The AHPAA includes consideration of non-appealable local government requirements these being defined as all essential requirements that protect the public health and safety, including any local building, electrical fire, or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment.

For compliance with the AHPAA, some communities may choose to utilize incentive programs, such as the establishment of an inclusionary zoning ordinance or other development incentives, and they may choose to modify local zoning ordinances to accommodate for affordable housing developments, but these are not required.

10) Are municipalities required to be involved with private real estate transactions?

No. Compliance with the AHPAA does not require municipal participation in private transactions. Unless a municipality chooses to become involved indirectly with private real estate transactions by establishing a community land trust (though community land can be established as a separate legal entity), there are no statutory requirements that necessitate municipal participation in real estate transactions beyond the approval of an affordable housing plan. Municipalities and counties are encouraged to participate in such projects financially, when feasible, via local CDBG and/or HOME Program funding and other local options, e.g., TIF Districts, waiver of development fees, etc. Also, approval and support of projects with affordable housing components such as LIHTC projects is encouraged.

11) To comply with the AHPAA statute, are municipalities required to develop property designated as parkland or open space?

No. The purpose of the AHPAA is to strongly encourage local planning strategies that foster the development of affordable housing. The law is not intended to dictate the type or location of affordable housing to be developed or to dictate land use in communities. While the AHPAA asks communities to consider surplus publicly owned properties as locations for potential affordable housing developments, it does not mandate the repurposing of already utilized public lands.

12) How are communities with little available land (“built out”) going to comply with the law?

The AHPAA does not force communities to categorically accept new developments that include affordable housing. In fact, this law may have minimal practical impact on communities which are already “built out”. Communities with little available undeveloped land could choose the option of 15% of all new development and redevelopment as a set-aside for affordable housing. The law simply provides that as a community continues to grow or redevelop, it should work to include some moderately priced housing, making it possible for those who work in and serve the community to afford to live there. Rehabilitation of existing housing and maintaining already present affordability are other options.

13) Will development of affordable housing in a municipality give it future “exempt” status?

This question does not have an easy answer for several reasons which are listed below. Still, it should be remembered the AHPAA generally does encourage all communities, Exempt and Non-Exempt alike, to undertake robust measures in support of affordable housing development, in addition to measures to preserve existing community affordability.

First, the AHPAA Local Government Exemption Determination Process does not identify individual housing units which are in fact affordable, it instead uses U.S. Census data among other sources, to calculate a generalized understanding of what portion of the total housing stock in a community would be considered affordable per the AHPAA. This portion of affordably priced housing is known as an “affordable housing share”. For would be low- and moderate-income homeowners and renters looking to reside in the

community, an affordable housing share represents the hypothetical scope of the home purchase or rental unit options which are accessible among the total local year-round occupied housing stock.

Second, data utilized in the Exemption Determination analysis is based on household level responses to the U.S. Census Bureau's, American Community Survey (ACS). This data is only as good as the quality of the individual responses collected. Additionally, as Census Bureau estimates are collected on an ongoing basis, total counts of housing in each community will change with time based on the flow of development/redevelopment, and the survey participant responses.

Third, is the understanding of how the Census Bureau defines a housing unit. Per the AHPAA, data used to determine community affordability includes total year-round "housing units" as provided by the U.S. Census. Per the U.S. Census, a housing unit is defined as:

- A house, an apartment, a mobile home or trailer, a group of rooms, or a single room occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building, and which have direct access from outside the building or through a common hall. For vacant units, the criteria of separateness and direct access are applied to the intended occupants whenever possible.¹

Not included in the total counts of housing units in communities as provided by the U.S. Census, and not used during the Exemption Determination Process, are dwelling places classed as "Group Quarters", which the U.S. Census defines as:

- A group quarters is a place where people live or stay, in a group living arrangement, that is owned or managed by an entity or organization providing housing and/or services for the residents.
- This is not a typical household-type living arrangement. These services may include custodial or medical care as well as other types of assistance, and residency is commonly restricted to those receiving these services. People living in group quarters are usually not related to each other.
- Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.²

14) Are municipalities with home rule authority exempt from AHPAA?

This matter was never directly addressed in the AHPAA, and no home rule impact note was requested during the legislative process. In addition, no Illinois Attorney General's opinion has been sought or rendered on the matter. As such, IHDA encourages all NELG communities to make good faith efforts to comply with the AHPAA minimum requirements.

¹ United States Census Bureau Glossary, Definition of "Housing Unit", Accessed 11/08/2023, <https://www.census.gov/glossary/>.

² Ibid.



VILLAGE OF WINNETKA

Incorporated in 1869



VILLAGE OF WINNETKA AMENDED AFFORDABLE HOUSING PLAN

Adopted May 10, 2005

Exhibit A
Ordinance M-6-2005

**VILLAGE OF WINNETKA
AFFORDABLE HOUSING PLAN
As Amended May 10, 2005**

I. INTRODUCTION

A. PURPOSE AND INTENT OF THE AMENDED PLAN

The Village of Winnetka's initial Affordable Housing Plan (the "Initial Plan") was adopted on March 15, 2005, as required by the Affordable Housing Planning and Appeal Act. As noted in footnote 1 of the Initial Plan, the Village Council had placed a home rule referendum on the ballot for the Consolidated Election of April 5, 2005.¹ As a result of that successful referendum, the Village of Winnetka (the "Village") is now a home rule municipality.

This Amended Affordable Housing Plan (the "Amended Plan") is intended to be an exercise of the Village's home rule authority and is also intended to replace and supersede the Initial Plan. As with the Initial Plan, this Amended Plan is in furtherance of the Village's longstanding policy of encouraging and otherwise providing for the development of moderately priced housing for senior citizens and young families. This policy was formally stated in "The Village of Winnetka 1979 Statement of Community Objectives, An Element of the Comprehensive Plan of the Village of Winnetka, Illinois." In 1988, the policy was expanded and incorporated into Chapter III, Housing, of the Winnetka Comprehensive Plan in 1988 and remains a part of the Winnetka Comprehensive Plan of 1999, *Winnetka 2020*.

All previous statements of the Village's housing policies, including the policy set out in the Initial Plan, have attempted: (i) to balance the Village's need for moderately priced housing with the Village's needs to maintain its existing land use patterns; (ii) to assure conformity with the Village's building and zoning regulations; and (iii) to protect against exceeding the capacity of the Village's infrastructure. Prior to the Village's becoming a home rule municipality pursuant to the referendum held at the Consolidated Election on April 5, 2005, the Village's ability to implement its housing policies was limited by the lack of adequate powers in the Village Charter of 1869 and the Illinois Municipal Code. It is the purpose of this Amended Plan to exercise the Village's newly acquired home rule powers to reinforce the Village's commitment to encouraging and otherwise providing for the development of moderately priced housing for senior citizens and young families in a manner that addresses and balances all of the Village's particular needs and characteristics.

¹ See section I.C, below.

B. THE AFFORDABLE HOUSING PLANNING AND APPEAL ACT

The Affordable Housing Planning and Appeal Act (the "Act") became effective on January 1, 2004.² The stated purpose of the Act is to "encourage" counties and municipalities to "incorporate affordable housing within their housing stock sufficient to meet the needs of their county or community."

The Act requires all counties and municipalities that fall within the scope of the Act's definition of "non-exempt" to adopt an Affordable Housing Plan by April 1, 2005, and to submit it to the Illinois Housing Development Authority ("IHDA") within 60 days after the plan is adopted. Under the Act, counties and municipalities in which at least 10% of the total year-round housing units meet the Act's definition of "affordable" are defined as "exempt local governments," as are municipalities with a population of less than 1,000. Exempt local governments are not subject to the Act's plan development requirements.

The Act charges IHDA with the responsibility to administer the Act. IHDA's responsibilities include applying the formulas prescribed by the Act to census data to determine the status of local government units under the Act, as well as annually publishing a list of exempt and non-exempt local governments. Pursuant to amendments that went into effect on June 28, 2004, IHDA was required to begin publishing its list of exempt and non-exempt units on October 1, 2004. IHDA issued its determination of exempt and non-exempt status on August 12, 2004, and the Village of Winnetka was listed as one of 49 non-exempt communities.

As set forth in the Act, the components of an affordable housing plan include a calculation of the total number of affordable housing units that are necessary to bring the percentage of affordable housing units to 10% of the total housing stock, an identification of opportunities for the development of affordable housing in the Village, a specification of incentives the Village will provide to encourage the creation of affordable housing, and a statement of a goal for increasing affordable housing units in the Village. The Act identifies three alternative goals from which a municipality may select to achieve compliance. The first is to make 15% of all new residential development or residential redevelopment within the Village affordable. The second is to increase the percentage of affordable housing within the Village from its current level to a level 3% higher. The third is to bring the percentage of affordable housing units in the Village to 10% of the total housing stock.

In compliance with the Act, the Village adopted its Initial Plan on March 15, 2005, prior to the statutory deadline of April 1, 2005. The Initial Plan consisted of three sections: (1) an introductory section that provided the statutory framework for the affordable housing requirements; (2) a general statement of the Village of Winnetka's policy on affordable housing, within the context of both the Village's land use and development history and the Village's future development goals, as set forth in the Winnetka Comprehensive Plan, *Winnetka 2020*; and (3) the substance of the Affordable Housing Plan, including all elements required by the Act.

² 310 ILCS 67/1, *et seq.*

As more fully explained in the following subsection C, the successful home rule referendum held at the Consolidated Election of April 5, 2005, occurred prior to the expiration of the 60-day period for filing the Initial Plan and the Village has therefore determined, in the exercise of its newly acquired home rule authority, that the needs of the Village will best be served by not filing the Initial Plan with IHDA and by adopting this Amended Plan to replace and supersede the Initial Plan.

C. EFFECT OF THE HOME RULE REFERENDUM

Footnote 1 of the Initial Plan noted that, on January 18, 2005, the Winnetka Village Council adopted resolution R-5-2005, which placed a home rule referendum on the ballot in the Consolidated Election to be held April 5, 2005. Since the statutory deadline for adopting an Affordable Housing Plan was April 1, 2005, before the vote on the referendum, the Initial Plan was adopted to comply with that deadline, although it remained silent on the potential impact home rule might have on the Village's obligations under the Act.

The votes cast in the home rule referendum have been canvassed and the Local Canvassing Board has declared that the referendum has passed and that the Village of Winnetka is now a home rule unit of government, as provided in Article VII, Section 6 of the Illinois Constitution of 1970. The results have been certified to the Secretary of State as required by Section 28-8 of the Illinois Election Code.³

The Village's status as a home rule municipality means that unless the Illinois General Assembly has explicitly preempted the use of home rule authority on a given subject, the Village of Winnetka has the ability to adapt its local laws, ordinances and policies to the specific needs of the Village of Winnetka, even if those laws, ordinances and policies conflict with or take precedence over provisions of State law. In the case of the Act, the Illinois General Assembly did not explicitly preempt home rule authority, and a legal opinion provided to the Metropolitan Mayors Caucus (of which the Village is a member) by Holland & Knight LLP sets forth the legal analysis underlying the foregoing statement.⁴

Given the Village's longstanding policy of seeking to provide affordable housing options for persons with moderate incomes that also serve the particular needs of Winnetka, the Village has used some of the Act's standards as a guide in preparing this Amended Plan. However, the Village also recognizes that there is considerable uncertainty over provisions of the Act dealing with local land use decisions and possible loss of local control over those decisions. The Village intends to ensure that adoption of this Amended Plan will be in the best interest of the Village of Winnetka and that all decisions about Winnetka's housing needs and future development will continue to be made by the Village, at the local level. Therefore, it is the Village's express

³ See 10 ILCS 5/28-8. The total vote cast in the home rule referendum was 2,979, of which 1,592 voted "Yes" and 923 voted "No."

⁴ In addition, the Parliamentarian of the House of Representatives ruled that the Act did not preempt home rule powers. State of Illinois 93rd General Assembly, House of Representatives, Transcription of Debate, May 29, 2003, at p.175.

intention that its adoption of this Amended Plan and all actions the Village may take in relation to it are a part of the Village's total, comprehensive and exclusive regulation of housing development within the Village in general and the development of affordable housing within the Village in particular, in the exercise of the Village's home rule authority, notwithstanding any provision of the Act with which this Amended Plan may differ.

The Village Council has determined that the Village will submit this Amended Plan to the State, not as a concession that it is required to comply with the Act, but in furtherance of the Village's longstanding policy, as described in Section I.A above and in the following Section II. By adopting this Plan, the Village is exercising its home rule authority to completely regulate this subject and to completely displace State law. The Village's use of its home rule authority in this manner serves to both further the Village's policy supporting affordable housing and to assure the Village and its citizens that local land use decisions are controlled at the local level and made with sensitivity to the particular characteristics and needs of the Village.

II. HOUSING IN WINNETKA: DEVELOPMENT HISTORY AND HOUSING POLICY

A. GENERAL DEVELOPMENT HISTORY

The Village of Winnetka (the "Village") is a home rule community under Article VII, Section 6 of the Illinois Constitution of 1970. Originally chartered by the State of Illinois on March 10, 1869, the Village is located approximately 17 miles north of downtown Chicago, and is bordered by Lake Michigan on the east, the Village of Glencoe to the north, Cook County Forest Preserve and the Village of Northfield to the west and southwest, and the Village of Kenilworth, the Village of Wilmette and a part of unincorporated Cook County to the south.

The Village covers a geographic area of 3.82 miles, with nearly one-third of its land area being located in the floodplain that drains into the Skokie Lagoons and Skokie River in the Cook County Forest Preserve and the Village of Northfield directly west and southwest of the Village.

Relative to other North Shore communities, Winnetka's growth was slow prior to 1900. The population in 1880 was 584, and grew to 1,079 in 1890 and 1,883 in 1900. After 1900, the Village grew more rapidly and, by 1920 the population had more than tripled to 6,694. Within the next ten years, the population doubled to about 12,000, a level that has remained fairly constant ever since, with the latest census figures placing Winnetka's population at 12,419.⁵ Most Winnetkans live in owner-occupied, detached single-family homes. According to the 2000 U.S. Census, more than 86% of all housing units in Winnetka are detached single-family units, and only 10.4% of all occupied housing units, whether single-family or multi-family, are renter-occupied.⁶

⁵ Winnetka 2020, A Comprehensive Plan for the Village of Winnetka (1999), p. 1-2; Amended Plan Exhibit 1, U.S. Census Bureau, Census 2000, Table DP-1.

⁶ Amended Plan Exhibits 1 and 2: U.S. Census Bureau, Census 2000, Tables DP-1 and DP-2.

Most of the Village was developed before 1930, prior to the use of the automobile as the primary mode of transportation, so the Village has a pedestrian orientation. The Village's main transportation corridor is Green Bay Road (the "Green Bay Corridor"), which runs through the length of the Village, from the northwest to the southeast, parallel to Metra's Union Pacific North Line right-of-way (formerly the Chicago & North Western Railway). A key feature of the Green Bay Corridor is the railroad right-of-way, which descends from grade level as it enters Winnetka from the north, to below grade at the Hubbard Woods and Elm Street stations, and gradually ascends to the Indian Hill station, which is above grade near the Village's southern border.

The railroad right-of-way project, completed in 1943, reinforced the development of the Village's three distinct local commercial shopping districts along the Green Bay Corridor, with the Hubbard Woods shopping district at the north end of the Village and the Indian Hill shopping district at the south end. The Village's main commercial district grew up in the center of the Village, on both the east and west sides of the Green Bay Corridor near the Elm Street station. The main link between the east and west portions of the Elm Street commercial district is the Elm Street Bridge, at the north end of the Elm Street station platform. Winnetka's Village Hall is located opposite the Elm Street station on the west side of Green Bay Road, and the Winnetka Police Department, the Winnetka Fire Department, the Winnetka Public Library, and the United States Post Office are in close proximity.

Public open space in the Village is concentrated either adjacent or in close proximity to the many schools in the Village, in the public parks that provide access from the bluff-top open areas to the beaches and other public areas along Lake Michigan below, and in a large recreational area in the floodplain at the western edge of the Village, adjacent to the Cook County Forest Preserves. Only a small portion of the public open space is owned by the Village: (i) the Village Green; (ii) the Chestnut Court median strip located at the west entrance of Village Hall and known as Moffatt Mall; (iii) a small, irregularly shaped green parcel sometimes referred to as Sheridan Park, located on the west side of Maple Street due south of the intersection of Maple Street and Sheridan Road; (iv) the now-closed Village landfill and an adjacent corner parcel that collects and drains floodwaters; and (v) the Green Bay Trail, which is a recreational cycling and pedestrian path that the Village purchased when the Chicago & North Western Railway abandoned its freight line. Both the Village Green and the Green Bay Trail are leased to the Winnetka Park District. All of the other public open space in the Village is owned by the Winnetka Park District, the Winnetka Public Schools or New Trier Township High School.

The boundaries of the Village have been fixed since the last annexations occurred in the late 1980's.⁷ That annexation comprised an existing single-family development and the privately owned Indian Hill Country Club. There is no undeveloped land adjacent to the Village other than the Cook County Forest Preserve, so there is no land potentially available for annexation and new single-family development. As a result, most of the development in the Village now consists of the redevelopment of existing properties, the vast majority of which is one-for-one

⁷ The last annexation in the Village occurred in 1990 and merely realigned a portion of the boundary between the Village and the Village of Glencoe when the Hubbard Woods Parking Deck was constructed. The last land annexations were the Indian Hill and Fox Lane annexations in 1988 and 1989.

replacement of single-family, owner-occupied homes. According to Winnetka 2020, A Comprehensive Plan for the Village of Winnetka (1999) ("*Winnetka 2020*"), the Village is facing substantial redevelopment pressure in both residential neighborhoods and business districts, because of the scarcity of land and the near-capacity use of Village infrastructure.⁸

B. HOUSING POLICY

The Village has had a longstanding policy of favoring the development of affordable housing options so that persons with moderate incomes, particularly senior citizens and young families, can enjoy the benefits of living in the Village and so that Village residents can enjoy the benefits that a diversity of housing stock can bring to the community. The Village's efforts at implementing that policy have occurred as development opportunities have arisen, with the Village attempting to maintain a balance between the worthy objectives of that housing policy and such other important Village policies as the policy of maintaining the Village's single-family home character and the policy of assuring that land use development and redevelopment are compatible with the capacity of existing infrastructure.

The Village's housing policies have been stated in its comprehensive plans, the first of which was adopted in 1921 (the "1921 Plan"). The 1921 Plan encouraged the development of the three commercial districts, each anchored by one of the three train stations. The 1921 Plan provided for a "concentric" development arrangement, with denser uses, such as apartment buildings, being placed within or next to the three Village centers and smaller subdivisions of single-family residences within reasonable walking distance of the railroad stations. Larger residential lots are located farther from the stations. The basic land use pattern established by the 1921 Plan was reflected in the Village's first Zoning Ordinance, passed in 1922, and has been maintained ever since.

The Village's policy regarding the development of moderately priced housing was first articulated in the 1979 Statement of Community Objectives, which contained a statement acknowledging the importance "of the community's recognition of the need to facilitate housing for those who contribute to [the community's] well being – public employees, storekeepers and retirees."⁹ The housing policies in the 1979 Statement of Community Objectives included the policy of encouraging and assisting in the provision of moderately priced residences in the Village, especially for those who already live or work in the Village, and the policy of facilitating the provision of housing for senior citizens who live in the Village but who no longer need or can no longer afford single-family residences.

In furtherance of the policies stated in the 1979 Statement of Community Objectives, the housing chapter of Winnetka's second Comprehensive Plan included a discussion of the need to

⁸ Winnetka 2020, A Comprehensive Plan for the Village of Winnetka, pp. 1-1

⁹ "The Village of Winnetka 1979 Statement of Community Objectives, An Element of the Comprehensive Plan of the Village of Winnetka, Illinois."

provide alternative housing for older, long-term residents of the Village who no longer wish to live in and maintain their single-family homes.¹⁰

The Village's general housing policy is now stated in the Village's third comprehensive plan, *Winnetka 2020*, which was formally adopted by the Winnetka Village Council on November 16, 1999, pursuant to Ordinance M-592-99. The culmination of a two-year project that began in mid-1997, *Winnetka 2020* serves as the Village's principal policy document for guiding future land development within Winnetka's planning area and for making informed resource management decisions as development occurs.

Consistent with the Village's prior policy statements, *Winnetka 2020* identifies a community need for more housing options for senior citizens and young families, recognizes not only that multi-family residential buildings provide homes for older residents and those with modest incomes, but also that rental units provide an important element of diversity in housing options. Thus, one of the stated goals of *Winnetka 2020* is the goal of ensuring that multi-family development provides a variety of housing choices for residents of all ages.

Winnetka 2020 also observes that multi-family options in the Village are limited and that older couples often find few housing alternatives in the Village at a time in their lives when they seek more simplified living arrangements. In addition, *Winnetka 2020* also recommends studying the possibility of bringing an assisted-care facility for senior citizens to Winnetka.

However, because of the relatively small number of areas that are suitable for multi-family development, *Winnetka 2020* anticipates only limited new development of multi-family housing, with such development being either as a component of a mixed use building within a business district or along certain portions of Green Bay Road.

In addition, because of the proximity of the commercial and multi-family areas to the Village's single-family neighborhoods, *Winnetka 2020* cautions that any new development should be appropriate to the character of the surrounding neighborhoods and that an effort must be made to provide an appropriate transition to adjacent single-family neighborhoods and to minimize the adverse impact of any new development on its surrounding neighborhood.

Finally, *Winnetka 2020* notes that new development, particularly developments with higher density multi-family buildings, can overburden existing infrastructure and public services, which places a financial burden on the Village and other local entities when the development does not generate sufficient new tax revenues to cover the cost of the public improvements and additional services the development requires. Thus, the reasons for maintaining the existing scale of development, as recommended in *Winnetka 2020*, surpass the desire to maintain the appearance and visual character of the Village. Maintaining the existing scale is necessary to prevent placing an undue and unsustainable burden on the Village's physical infrastructure and financial resources.

¹⁰ The Comprehensive Plan of the Village of Winnetka, Illinois, Chapter II, Housing, Adopted July 15, 1986.

Based on all of the foregoing, and both in furtherance of the goals of *Winnetka 2020* and in compliance with the Act, the Initial Plan stated that it is the policy of the Village of Winnetka to encourage an increase in moderately priced housing options for senior citizens and young families by encouraging the development of affordable housing in conjunction with new development and redevelopment of commercial and multi-family properties. Because, as discussed above, the Village has determined that the Act does not preempt the exercise of home rule powers, this Amended Plan is adopted as an exercise of the Village's home rule authority, rather than as an act of compliance with the Act. Nevertheless, while this Amended Plan reaffirms the Village's affordable housing policy, as stated in the Initial Plan, it is the intention of the Village, in the exercise of its home rule powers, to establish detailed goals and steps for implementing the Village's policy only after further study of the Village's specific needs and circumstances. The remaining sections of this Amended Plan retain portions of the Initial Plan, although it is the intent of the Village to reconsider and amend any or all of those sections as the Village deems necessary to reflect the specific needs and characteristics of the Village disclosed by further and continuing study.

III. AFFORDABLE HOUSING UNITS IN WINNETKA

This Amended Plan has been developed using the Act as a guide, pending further study of affordable housing issues by the Village. However, the Village's purpose in following the terms of the Act is to demonstrate the Village's good faith commitment to the goals of the Act. As noted above and as expressly stated in Ordinance M-6-2005, pursuant to which this Amended Plan is adopted, the Village intends for this Amended Plan to constitute the total, comprehensive and exclusive regulation by the Village of Winnetka in the exercise of its home rule authority, of the subject matter of affordable housing, including all aspects of affordable housing expressed in the Act, notwithstanding any provision of the Act with which the Village's Amended Plan may differ. It is also the expressly stated intent of the Village that this Amended Plan shall supersede and replace the Initial Plan and shall totally displace and preempt the Act and all its provisions to the maximum extent permitted under the Village's constitutional home rule authority.

As defined in Section 15 of the Affordable Housing Planning and Appeal Act, "affordable housing" is "housing that has a sales price or rental amount that is within the means of a household that may occupy moderate-income or low-income housing." The Act defines affordable dwelling units for sale as "housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit." Under the Act, affordable dwelling units for rent are defined as "housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit."¹¹

The Act uses United States Department of Housing and Urban Development standards to define moderate and low-income housing. Under the Act, moderate income housing is housing

¹¹ 310 ILCS 67/15.

that is occupied, reserved, or marketed for occupancy by households with a gross household income that is more than 50% but does not exceed 80% of the area median household income. Low income housing, as defined in the Act, is housing that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50% of the area median household income. IHDA has based its determination of affordable sales and rental prices in Cook County on a median household income of \$51,680, as reported in the 2000 U.S. Census.¹²

In its August 12, 2004, report, IHDA provided the Village of Winnetka with the following assessment of housing affordability in the Village:

For-sale units		Rental units		Total affordable units		
Affordable Sales Price	Affordable Ownership Units	Affordable Monthly Rent	Affordable Rental Units	Total Affordable Units	Total Units	% of Affordable Units
\$125,244	49	\$775	121	170	4,176	4.10%

However, there is some question as to both the accuracy and the appropriateness of the data used by IHDA in making its initial determination of affordability. Although IHDA used an affordable sales price of \$125,000 and affordable rental price of \$775, those numbers do not reflect unit size and occupancy, both of which are factors previously used by HUD and IHDA in determining affordability. According to information published by IHDA on affordability standards in the Chicago metropolitan area, the prices for affordable owner-occupied units range from \$134,167 for a one-person occupancy to \$253,000 for an eight-person occupancy, with annual income limits ranging from \$40,250 for a one-person occupancy and \$75,900 for an eight-person occupancy. There will also be a range of affordable rents, which are based on income limits ranging from \$31,680 for a one-person household to \$59,700 for an eight-person household. Housing costs for rental units, which must also include utility costs, will therefore range from a total of \$792 per month to \$1,492.50.¹³

The data developed by IHDA vary from available data that are specific to the Village. Data from the 2000 Census show a total of 4,310 housing units in the Village, with 4,162 of the housing units being occupied, of which 3,730 units were owner-occupied and 432 units were rental units.¹⁴ Single-family detached housing accounted for 3,709 units, and 113 housing units were in single-family attached units, such as town homes or accessory apartments. Of the

¹² *Id.*

¹³ See, Affordable Housing Planning and Appeal Act, Recommended Procedural Guidelines for Compliance, prepared by Illinois Housing Development Authority's Office of Housing Coordination Services, November 23, 2004, pp.14 - 18.

¹⁴ Amended Plan Exhibit 1: Table DP-1, Profile of General Demographic Characteristics: 2000, for Winnetka, Illinois. Source: U.S. Census Bureau, Census 2000.

remaining housing units, 243 were in buildings with 20 or more units and 231 units were in buildings with two to 19 units.¹⁵

According to the 2000 Census, the median housing value of owner-occupied units, as estimated by owners themselves in the census, was \$756,500.¹⁶ The Multiple Listing Service of Northern Illinois (MLSNI) reports that the median sales price for single-family detached homes in Winnetka in 2004 was \$1,175,000, and that the median sales price for single-family attached units during the same period was \$440,000.¹⁷ Census data indicate that 99 units rented for less than \$750 per month in 2000, and that for 238 of the rental units, the gross rent was less than 30% of household income.¹⁸

Based on IHDA's analysis of the total number of housing units in the Village, to have 10% of all housing units meet affordability standards, the Village would need a total of 418 affordable units. Meeting the 10% goal would thus necessitate the development of an additional 248 affordable housing units. However, because there are discrepancies in both the census data and IHDA's determination, and because IHDA based its determination on fixed assumptions as to income and housing costs, rather than on the range that census data indicate would exist if a detailed study were done, the Village is using IHDA's data in this Amended Plan solely for the limited purpose of establishing the Village's own initial goals, incentives and steps for implementation, as stated in this Amended Plan. The Village Council has directed the Winnetka Plan Commission to conduct an analysis of the validity of the basic underlying statistical data of this Amended Plan as part of the further, detailed study and analysis the Village Council has directed the Winnetka Plan Commission to conduct in relation to this Amended Plan.¹⁹

IV. IDENTIFICATION OF LANDS AND STRUCTURES MOST APPROPRIATE FOR AFFORDABLE HOUSING

As disclosed by the description of the Village's land use patterns in Section II of this Amended Plan and by the housing data reported in Section III of this Amended Plan, more than 80% of the Village's housing stock is single-family residential, and the vast majority of the single-family homes are owner-occupied. According to IHDA's determination, only 49 of the ownership housing units meet the Act's definition of what is affordable. Given that initial determination, and given that the median and average sales prices of detached single-family homes in Winnetka far exceed the range of affordable sales prices established by IHDA, the

¹⁵ Amended Plan Exhibit 4: Table DP-4, Profile of Selected Housing Characteristics: 2000, for Winnetka, Illinois. Source: U.S. Census Bureau, Census 2000.

¹⁶ *Id.*

¹⁷ Multiple Listing Service of Northern Illinois (MLSNI) requires users of this information to note that MLSNI does not guarantee nor is it in any way responsible for its accuracy. Data maintained by MLSNI may not reflect all real estate activity in the market.

¹⁸ Amended Plan Exhibit 4: Table DP-4, Profile of Selected Housing Characteristics: 2000, for Winnetka, Illinois. Source: U.S. Census Bureau, Census 2000.

¹⁹ The scope of the Plan Commission's study is described in greater detail in Section VI, below. See, also, Ordinance M-6-2005, Section 5, which states the directive to the Plan Commission.

Village has concluded that attempting to meet the Act's goals with detached single-family residential properties is not realistic and that money and resources directed toward encouraging the development of affordable rental units are likely to result in more affordable units than if the same amount of money and resources were directed toward the development of affordable owner-occupied units.

There are rental apartments in both the multi-family and commercial zoning districts. The multi-family zoning districts also provide the opportunity for the development of town homes, which are recommended in *Winnetka 2020*, and moderately priced condominiums that could provide ownership opportunities for senior citizens who wish to down-size from larger homes, but still remain in Winnetka. *Winnetka 2020* also states that town homes may be especially desirable in certain parts of the C-1 zoning district along the Green Bay Corridor.

Therefore, the Village of Winnetka designates all B-1, B-2, C-1, C-2 and C-2 overlay zoning districts as the most appropriate areas for the development of affordable housing units.

The designation of these zoning districts as being suitable for affordable housing does not alter existing development requirements, which have been put in place to govern all development in the Village, so as to assure that no development places an undue burden on the Village's infrastructure or public safety resources, and to assure that all development is compatible with its surroundings. More specifically, proposed affordable developments will be treated as any other development in the Village and therefore must meet all of the following requirements:

- (a) Proposed developments must be consistent with the Village's established land use patterns and development and land use goals, as defined in the Winnetka Comprehensive Plan, *Winnetka 2020* and the Winnetka Zoning Ordinance, particularly with regulations that define the permitted uses in each zoning district and with the requirement that the first floor of buildings in the C-1, C-2 and C-2 overlay zoning districts be limited to specified commercial uses;
- (b) Proposed developments must comply with applicable zoning and development standards and regulations as set forth in the Winnetka Zoning Ordinance, the Winnetka Subdivision Ordinance and other provisions of the Winnetka Village Code;
- (c) Proposed developments must be in locations where the infrastructure is adequate to support the proposed use; and
- (d) Proposed developments must strictly comply with all floodplain regulations and with all building code, structural, fire and life safety requirements.

The Village has considered, but ruled out, identifying its limited open spaces as possible locations for affordable housing developments. The Village has also determined that there are no privately owned open lands outside of the commercial and multi-family zoning districts that are of sufficient size to accommodate more than one unit of housing without requiring changing the basic zoning classification from single-family to multi-family. Open space owned by the Winnetka Park District is also unsuitable for a variety of reasons. First, most park lands are used

on a nearly daily basis for recreational activities by the Village's citizens, schools and organizations. The loss of those resources would be a detriment to the community as a whole and would be contrary to the goals and objectives stated in *Winnetka 2020*. Second, many of the parks consist of public beach and boat landing areas at the edge of Lake Michigan below open space on top of the adjacent bluffs and are therefore not suitable for residential development of any kind. Third, some parks, such as the Skokie Playfields, are located in the flood plain which, if developed for residential purposes, not only would require special engineering solutions, but also would create additional impervious surfaces. Thus, construction of additional housing of any kind in these areas would require extensive modification of the Village's stormwater management infrastructure to avoid exacerbating the flood risks that already exist in adjacent single-family areas.

V. AFFORDABLE HOUSING GOAL

In its Initial Plan, the Village established an affordable housing goal of encouraging that 15% of all new development in the Village will be affordable. However, that goal was established prior to the successful home rule referendum of April 5, 2005, while the Village was subject to the requirements of the Act. Consequently, the affordable housing goal set by the Village at that time was necessarily limited to one of the alternatives permitted under the Act. In light of the identified discrepancies in the data that provided the basis for the initial goal, and in light of the ongoing study by the Plan Commission to an affordable housing goal and a standard of affordability that accurately reflect the particular characteristics and needs of the Village, the Village, in the exercise of its home rule powers, has determined that it would not be appropriate or in the best interests of the Village to establish a fixed affordable housing goal prior to the completion of the Plan Commission's study. Accordingly, the Village has determined that it is unable to set an appropriate affordable housing goal pending the completion of the Plan Commission's study, and that the affordable housing goal established by the Initial Plan is hereby rescinded.

As used in this Amended Plan, the term "new development" shall mean the act of building or readying for occupancy one or more housing units that previously did not exist on the site because the site was vacant, because the number of housing units on the site was changed, or because a non-residential principal building that previously occupied the site was demolished to clear the site for one or more new housing units; provided that:

- (a) new development shall not include the one-for-one replacement of a single-family residential housing unit in any single-family residential zoning district;
- (b) new development shall not include the building or readying for occupancy of one or more new housing units on any parcel of land that is zoned for single-family residential use, if the subject parcel was created by the subdivision of a larger parcel that was previously improved with at least one single-family residential housing unit; and

- (c) the term "principal building" shall not include a building owned, occupied or otherwise used by a public or private school, a church, the Winnetka Park District, the Winnetka-Northfield Library District or the Village of Winnetka.

VI. INCENTIVES AND IMPLEMENTATION

Prior to becoming a home rule municipality pursuant to the referendum held at the Consolidated Election on April 5, 2005, the Village's ability to implement its policy of encouraging or otherwise providing for the development of moderately priced housing in a manner that would serve the particular needs of the Village was limited by the absence of adequate powers in the Village Charter of 1869 and the Illinois Municipal Code. Because of those limitations, the Village's Initial Plan identified the following five incentives to encourage the development of affordable housing units:

- 1) Expedite permit processing for affordable units.
- 2) Reduce costs of certain permit fees for affordable units.
- 3) Serve as a conduit to assist affordable housing developers in locating funding for affordable units.
- 4) Continue to study the feasibility of planned developments and their potential to provide incentives to encourage the development of affordable housing units.
- 5) Continue to identify other potential development incentives that may be available to the Village as a non-home rule municipality and to evaluate their viability as suitable and effective incentives for use in the Village.

In furtherance of those incentives, the Initial Plan directed the Village Manager to report and make recommendations to the Village Council on proposed fee reductions to encourage and attract affordable housing developments to the Village, with those recommendations being submitted for consideration during the Village Council's deliberations on the 2006-07 Fiscal Year budget cycle.

The incentive and implementation steps outlined in the Initial Plan reflected the Village's attempts to customize the Initial Plan to the Village's specific needs, within the constraints of the Village's status as a chartered, non-home rule municipality. The Village finds that incentives 1) through 3) above are still appropriate and are therefore retained in this Amended Plan. The directive to the Village Manager regarding reporting and recommending on proposed fee reductions also remains appropriate, and is likewise retained in this Amended Plan.

However, having become a home rule municipality pursuant to the Illinois Constitution, the Village is now able to develop and implement its affordable housing policy in a manner most beneficial to the Village, any further or different requirements of the Act notwithstanding. As a home rule municipality, the Village can now develop affordable housing incentives and provide for the implementation of its plan without being limited by the absence of specific statutory

grants of power. Consequently, the Village can expand its study of the types of affordable housing incentives to include incentive and development tools that have been implemented in other home rule municipalities. Therefore, the Initial Plan's incentives and implementation steps outlined in points 4) and 5) above are modified and expanded as provided in the following paragraphs.

The Village Council has found that the Winnetka Plan Commission, which conducted an in-depth study of land use and development issues in the Village before drafting *Winnetka 2020*, and which has the primary responsibility for reviewing and reporting on the implementation of the goals and objectives of *Winnetka 2020*, is best suited to continue the Village's analysis of its affordable housing needs, to monitor and report to the Village Council on the implementation of the Village's Amended Plan, and to make findings and recommendations to the Village Council concerning the details of the various components of the Village's affordable housing policies. The Plan Commission is therefore directed to study and to report their findings and recommendations to the Village Council on all aspects of this Amended Plan. The general scope of the Plan Commission's study is described in Section 5 of Ordinance M-6-2005, and shall include, but not be limited to the following:

- Identifying the particular housing and demographic characteristics and needs of the Village by:
 - conducting a study of housing statistics in the Village, including the number and types of dwelling units, the purchase or rental costs of such units, and the overall housing costs, including utilities and the like, for such units; and
 - conducting a study on standards for defining affordability and determining eligibility for affordable housing within the context of the Village of Winnetka's housing needs.
- Continuing to study the feasibility of planned developments and their potential to provide incentives to encourage the development of affordable housing units.
- Expanding the study of potential development incentives to include land use and development tools and incentives and implementation programs used in other home rule municipalities.
- Making recommendations to the Village Council, based on the data and information collected in the Plan Commission's study, including, but not limited to:
 - Recommending specific affordable housing standards, affordable housing goals, and techniques and incentives to encourage the development of affordable housing units in the Village;
 - Recommending such other and further amendments to this Amended Plan as the Plan Commission deems necessary and appropriate to fully reflect the results of the Plan Commission's studies;

- Recommending potential amendments to the Winnetka Zoning Ordinance and other provisions of the Winnetka Village Code, so as to increase the opportunities to successfully implement the Village's affordable housing policies; and
- Recommending such amendments to the Comprehensive Plan of 1999, *Winnetka 2020*, as the Plan Commission may determine are necessary to incorporate this Amended Plan.

The Plan Commission is directed to submit periodic reports to the Village Council, particularly when the Plan Commission has completed its study and recommendations on any of the foregoing study areas. The Plan Commission shall report back to the Village Council by December 1, 2005, with a status report and proposed timetable for completing its study.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Winnetka village, Illinois

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	12,419	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	12,419	100.0
Male.....	6,020	48.5	Hispanic or Latino (of any race).....	156	1.3
Female.....	6,399	51.5	Mexican.....	54	0.4
Under 5 years.....	1,064	8.6	Puerto Rican.....	13	0.1
5 to 9 years.....	1,346	10.8	Cuban.....	13	0.1
10 to 14 years.....	1,269	10.2	Other Hispanic or Latino.....	76	0.6
15 to 19 years.....	807	6.5	Not Hispanic or Latino.....	12,263	98.7
20 to 24 years.....	230	1.9	White alone.....	11,848	95.4
25 to 34 years.....	599	4.8	RELATIONSHIP		
35 to 44 years.....	2,069	16.7	Total population	12,419	100.0
45 to 54 years.....	2,133	17.2	In households.....	12,415	100.0
55 to 59 years.....	745	6.0	Householder.....	4,162	33.5
60 to 64 years.....	544	4.4	Spouse.....	3,167	25.5
65 to 74 years.....	933	7.5	Child.....	4,794	38.6
75 to 84 years.....	505	4.1	Own child under 18 years.....	4,272	34.4
85 years and over.....	175	1.4	Other relatives.....	105	0.8
Median age (years).....	39.8	(X)	Under 18 years.....	21	0.2
18 years and over.....	8,122	65.4	Nonrelatives.....	187	1.5
Male.....	3,816	30.7	Unmarried partner.....	42	0.3
Female.....	4,306	34.7	In group quarters.....	4	-
21 years and over.....	7,884	63.5	Institutionalized population.....	-	-
62 years and over.....	1,947	15.7	Noninstitutionalized population.....	4	-
65 years and over.....	1,613	13.0	HOUSEHOLD BY TYPE		
Male.....	746	6.0	Total households	4,162	100.0
Female.....	867	7.0	Family households (families).....	3,433	82.5
RACE			With own children under 18 years.....	1,968	47.2
One race.....	12,330	99.3	Married-couple family.....	3,167	76.1
White.....	11,958	96.3	With own children under 18 years.....	1,804	43.3
Black or African American.....	31	0.2	Female householder, no husband present.....	208	5.0
American Indian and Alaska Native.....	2	-	With own children under 18 years.....	128	3.1
Asian.....	302	2.4	Nonfamily households.....	729	17.5
Asian Indian.....	49	0.4	Householder living alone.....	662	15.9
Chinese.....	79	0.6	Householder 65 years and over.....	324	7.8
Filipino.....	27	0.2	Households with individuals under 18 years.....	1,979	47.5
Japanese.....	48	0.4	Households with individuals 65 years and over.....	1,107	26.6
Korean.....	75	0.6	Average household size.....	2.98	(X)
Vietnamese.....	4	-	Average family size.....	3.35	(X)
Other Asian ¹	20	0.2	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	-	-	Total housing units	4,310	100.0
Native Hawaiian.....	-	-	Occupied housing units.....	4,162	96.6
Guamanian or Chamorro.....	-	-	Vacant housing units.....	148	3.4
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander ²	-	-	occasional use.....	25	0.6
Some other race.....	37	0.3	Homeowner vacancy rate (percent).....	0.8	(X)
Two or more races.....	89	0.7	Rental vacancy rate (percent).....	3.8	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units	4,162	100.0
White.....	12,045	97.0	Owner-occupied housing units.....	3,730	89.6
Black or African American.....	36	0.3	Renter-occupied housing units.....	432	10.4
American Indian and Alaska Native.....	10	0.1	Average household size of owner-occupied units.....	3.08	(X)
Asian.....	367	3.0	Average household size of renter-occupied units.....	2.12	(X)
Native Hawaiian and Other Pacific Islander.....	2	-			
Some other race.....	55	0.4			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Winnetka village, Illinois

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
SCHOOL ENROLLMENT			NATIVITY AND PLACE OF BIRTH		
Population 3 years and over enrolled in school.....	4,084	100.0	Total population.....	12,388	100.0
Nursery school, preschool.....	572	14.0	Native.....	11,761	94.9
Kindergarten.....	225	5.5	Born in United States.....	11,600	93.6
Elementary school (grades 1-8).....	2,163	53.0	State of residence.....	7,228	58.3
High school (grades 9-12).....	793	19.4	Different state.....	4,372	35.3
College or graduate school.....	331	8.1	Born outside United States.....	161	1.3
			Foreign born.....	627	5.1
			Entered 1990 to March 2000.....	206	1.7
			Naturalized citizen.....	336	2.7
			Not a citizen.....	291	2.3
EDUCATIONAL ATTAINMENT			REGION OF BIRTH OF FOREIGN BORN		
Population 25 years and over.....	7,698	100.0	Total (excluding born at sea).....	627	100.0
Less than 9th grade.....	31	0.4	Europe.....	322	51.4
9th to 12th grade, no diploma.....	47	0.6	Asia.....	185	29.5
High school graduate (includes equivalency).....	218	2.8	Africa.....	20	3.2
Some college, no degree.....	716	9.3	Oceania.....	5	0.8
Associate degree.....	188	2.4	Latin America.....	51	8.1
Bachelor's degree.....	3,103	40.3	Northern America.....	44	7.0
Graduate or professional degree.....	3,385	44.1			
Percent high school graduate or higher.....	99.0	(X)	LANGUAGE SPOKEN AT HOME		
Percent bachelor's degree or higher.....	84.4	(X)	Population 5 years and over.....	11,330	100.0
			English only.....	10,544	93.1
MARITAL STATUS			Language other than English.....	786	6.9
Population 15 years and over.....	8,697	100.0	Speak English less than "very well".....	202	1.8
Never married.....	1,314	15.1	Spanish.....	143	1.3
Now married, except separated.....	6,486	74.6	Speak English less than "very well".....	50	0.4
Separated.....	46	0.5	Other Indo-European languages.....	424	3.7
Widowed.....	372	4.3	Speak English less than "very well".....	87	0.8
Female.....	298	3.4	Asian and Pacific Island languages.....	198	1.7
Divorced.....	479	5.5	Speak English less than "very well".....	65	0.6
Female.....	389	4.5			
GRANDPARENTS AS CAREGIVERS			ANCESTRY (single or multiple)		
Grandparent living in household with one or more own grandchildren under 18 years.....	60	100.0	Total population.....	12,388	100.0
Grandparent responsible for grandchildren.....	18	30.0	Total ancestries reported.....	15,500	125.1
			Arab.....	41	0.3
VETERAN STATUS			Czech ¹	149	1.2
Civilian population 18 years and over.....	8,095	100.0	Danish.....	143	1.2
Civilian veterans.....	898	11.1	Dutch.....	285	2.3
			English.....	2,271	18.3
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION			French (except Basque) ¹	394	3.2
Population 5 to 20 years.....	3,441	100.0	French Canadian ¹	41	0.3
With a disability.....	129	3.7	German.....	2,859	23.1
Population 21 to 64 years.....	6,265	100.0	Greek.....	207	1.7
With a disability.....	350	5.6	Hungarian.....	60	0.5
Percent employed.....	80.0	(X)	Irish ¹	2,769	22.4
No disability.....	5,915	94.4	Italian.....	705	5.7
Percent employed.....	71.1	(X)	Lithuanian.....	126	1.0
Population 65 years and over.....	1,624	100.0	Norwegian.....	249	2.0
With a disability.....	370	22.8	Polish.....	667	5.4
			Portuguese.....	-	-
RESIDENCE IN 1995			Russian.....	459	3.7
Population 5 years and over.....	11,330	100.0	Scotch-Irish.....	271	2.2
Same house in 1995.....	7,043	62.2	Scottish.....	495	4.0
Different house in the U.S. in 1995.....	3,997	35.3	Slovak.....	41	0.3
Same county.....	2,749	24.3	Subsaharan African.....	13	0.1
Different county.....	1,248	11.0	Swedish.....	435	3.5
Same state.....	398	3.5	Swiss.....	120	1.0
Different state.....	850	7.5	Ukrainian.....	41	0.3
Elsewhere in 1995.....	290	2.6	United States or American.....	400	3.2
			Welsh.....	144	1.2
			West Indian (excluding Hispanic groups).....	5	-
			Other ancestries.....	2,110	17.0

-Represents zero or rounds to zero. (X) Not applicable.

¹The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Winnetka village, Illinois

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text.]

Subject	Number	Percent	Subject	Number	Percent
EMPLOYMENT STATUS			INCOME IN 1999		
Population 16 years and over	8,471	100.0	Households	4,150	100.0
In labor force	5,166	61.0	Less than \$10,000	73	1.8
Civilian labor force	5,166	61.0	\$10,000 to \$14,999	43	1.0
Employed	5,102	60.2	\$15,000 to \$24,999	124	3.0
Unemployed	64	0.8	\$25,000 to \$34,999	119	2.9
Percent of civilian labor force	1.2	(X)	\$35,000 to \$49,999	232	5.6
Armed Forces	-	-	\$50,000 to \$74,999	269	6.5
Not in labor force	3,305	39.0	\$75,000 to \$99,999	348	8.4
Females 16 years and over	4,489	100.0	\$100,000 to \$149,999	684	16.5
In labor force	1,933	43.1	\$150,000 to \$199,999	445	10.7
Civilian labor force	1,933	43.1	\$200,000 or more	1,813	43.7
Employed	1,916	42.7	Median household income (dollars)	167,458	(X)
Own children under 6 years	1,345	100.0	With earnings	3,580	86.3
All parents in family in labor force	491	36.5	Mean earnings (dollars) ¹	229,582	(X)
COMMUTING TO WORK			With Social Security income	995	24.0
Workers 16 years and over	5,032	100.0	Mean Social Security income (dollars) ¹	16,555	(X)
Car, truck, or van -- drove alone	2,932	58.3	With Supplemental Security Income	39	0.9
Car, truck, or van -- carpooled	214	4.3	Mean Supplemental Security Income (dollars) ¹	7,944	(X)
Public transportation (including taxicab)	1,338	26.6	With public assistance income	16	0.4
Walked	103	2.0	Mean public assistance income (dollars) ¹	1,788	(X)
Other means	61	1.2	With retirement income	567	13.7
Worked at home	384	7.6	Mean retirement income (dollars) ¹	60,673	(X)
Mean travel time to work (minutes) ¹	34.3	(X)	Families		
Employed civilian population				3,453	100.0
16 years and over	5,102	100.0	Less than \$10,000	18	0.5
OCCUPATION			\$10,000 to \$14,999	19	0.6
Management, professional, and related occupations	3,523	69.1	\$15,000 to \$24,999	62	1.8
Service occupations	227	4.4	\$25,000 to \$34,999	56	1.6
Sales and office occupations	1,232	24.1	\$35,000 to \$49,999	136	3.9
Farming, fishing, and forestry occupations	-	-	\$50,000 to \$74,999	170	4.9
Construction, extraction, and maintenance occupations	77	1.5	\$75,000 to \$99,999	245	7.1
Production, transportation, and material moving occupations	43	0.8	\$100,000 to \$149,999	560	16.2
INDUSTRY			\$150,000 to \$199,999	417	12.1
Agriculture, forestry, fishing and hunting, and mining	-	-	\$200,000 or more	1,770	51.3
Construction	155	3.0	Median family income (dollars)	200,000+	(X)
Manufacturing	334	6.5	Per capita income (dollars) ¹	84,134	(X)
Wholesale trade	169	3.3	Median earnings (dollars):		
Retail trade	306	6.0	Male full-time, year-round workers	100,000+	(X)
Transportation and warehousing, and utilities	65	1.3	Female full-time, year-round workers	61,513	(X)
Information	160	3.1	POVERTY STATUS IN 1999		
Finance, insurance, real estate, and rental and leasing	1,193	23.4	Families	29	0.8
Professional, scientific, management, administrative, and waste management services	1,376	27.0	With related children under 18 years	14	0.7
Educational, health and social services	863	16.9	With related children under 5 years	-	-
Arts, entertainment, recreation, accommodation and food services	221	4.3	Families with female householder, no husband present	14	5.9
Other services (except public administration)	175	3.4	With related children under 18 years	14	10.3
Public administration	85	1.7	With related children under 5 years	-	-
CLASS OF WORKER			Individuals	177	1.4
Private wage and salary workers	4,118	80.7	18 years and over	144	1.8
Government workers	331	6.5	65 years and over	42	2.6
Self-employed workers in own not incorporated business	643	12.6	Related children under 18 years	29	0.7
Unpaid family workers	10	0.2	Related children 5 to 17 years	29	0.9
			Unrelated individuals 15 years and over	109	12.4

-Represents zero or rounds to zero. (X) Not applicable.

¹If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Winnetka village, Illinois

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total housing units	4,301	100.0	OCCUPANTS PER ROOM		
UNITS IN STRUCTURE			Occupied housing units	4,155	100.0
1-unit, detached.....	3,709	86.2	1.00 or less.....	4,147	99.8
1-unit, attached.....	113	2.6	1.01 to 1.50.....	-	-
2 units.....	63	1.5	1.51 or more.....	8	0.2
3 or 4 units.....	52	1.2	Specified owner-occupied units	3,407	100.0
5 to 9 units.....	50	1.2	VALUE		
10 to 19 units.....	66	1.5	Less than \$50,000.....	6	0.2
20 or more units.....	243	5.6	\$50,000 to \$99,999.....	11	0.3
Mobile home.....	5	0.1	\$100,000 to \$149,999.....	23	0.7
Boat, RV, van, etc.....	-	-	\$150,000 to \$199,999.....	59	1.7
YEAR STRUCTURE BUILT			\$200,000 to \$299,999.....	80	2.3
1999 to March 2000.....	39	0.9	\$300,000 to \$499,999.....	597	17.5
1995 to 1998.....	106	2.5	\$500,000 to \$999,999.....	1,617	47.5
1990 to 1994.....	70	1.6	\$1,000,000 or more.....	1,014	29.8
1980 to 1989.....	72	1.7	Median (dollars).....	756,500	(X)
1970 to 1979.....	283	6.6	MORTGAGE STATUS AND SELECTED		
1960 to 1969.....	259	6.0	MONTHLY OWNER COSTS		
1940 to 1959.....	815	18.9	With a mortgage.....	2,392	70.2
1939 or earlier.....	2,657	61.8	Less than \$300.....	-	-
ROOMS			\$300 to \$499.....	-	-
1 room.....	31	0.7	\$500 to \$699.....	17	0.5
2 rooms.....	30	0.7	\$700 to \$999.....	32	0.9
3 rooms.....	101	2.3	\$1,000 to \$1,499.....	124	3.6
4 rooms.....	125	2.9	\$1,500 to \$1,999.....	180	5.3
5 rooms.....	223	5.2	\$2,000 or more.....	2,039	59.8
6 rooms.....	337	7.8	Median (dollars).....	2,601	(X)
7 rooms.....	534	12.4	Not mortgaged.....	1,015	29.8
8 rooms.....	861	20.0	Median (dollars).....	732	(X)
9 or more rooms.....	2,059	47.9	SELECTED MONTHLY OWNER COSTS		
Median (rooms).....	8.4	(X)	AS A PERCENTAGE OF HOUSEHOLD		
Occupied housing units	4,155	100.0	INCOME IN 1999		
YEAR HOUSEHOLDER MOVED INTO UNIT			Less than 15.0 percent.....	1,381	40.5
1999 to March 2000.....	443	10.7	15.0 to 19.9 percent.....	577	16.9
1995 to 1998.....	1,102	26.5	20.0 to 24.9 percent.....	328	9.6
1990 to 1994.....	802	19.3	25.0 to 29.9 percent.....	275	8.1
1980 to 1989.....	830	20.0	30.0 to 34.9 percent.....	182	5.3
1970 to 1979.....	527	12.7	35.0 percent or more.....	650	19.1
1969 or earlier.....	451	10.9	Not computed.....	14	0.4
VEHICLES AVAILABLE			Specified renter-occupied units	434	100.0
None.....	74	1.8	GROSS RENT		
1.....	1,021	24.6	Less than \$200.....	-	-
2.....	2,410	58.0	\$200 to \$299.....	-	-
3 or more.....	650	15.6	\$300 to \$499.....	21	4.8
HOUSE HEATING FUEL			\$500 to \$749.....	78	18.0
Utility gas.....	3,845	92.5	\$750 to \$999.....	87	20.0
Bottled, tank, or LP gas.....	13	0.3	\$1,000 to \$1,499.....	90	20.7
Electricity.....	209	5.0	\$1,500 or more.....	106	24.4
Fuel oil, kerosene, etc.....	54	1.3	No cash rent.....	52	12.0
Coal or coke.....	-	-	Median (dollars).....	1,038	(X)
Wood.....	-	-	GROSS RENT AS A PERCENTAGE OF		
Solar energy.....	-	-	HOUSEHOLD INCOME IN 1999		
Other fuel.....	21	0.5	Less than 15.0 percent.....	109	25.1
No fuel used.....	13	0.3	15.0 to 19.9 percent.....	41	9.4
SELECTED CHARACTERISTICS			20.0 to 24.9 percent.....	63	14.5
Lacking complete plumbing facilities.....	-	-	25.0 to 29.9 percent.....	25	5.8
Lacking complete kitchen facilities.....	-	-	30.0 to 34.9 percent.....	53	12.2
No telephone service.....	14	0.3	35.0 percent or more.....	85	19.6
			Not computed.....	58	13.4

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

**WINNETKA PLAN COMMISSION MEETING MINUTES
JUNE 25, 2025**

Members Present:

Layla Danley, Chairperson
Jonathan Alt
Christopher Blum
Chris Enck
Liz Kunkle
Cyrus Subawalla
Kate Van Vlack

Members Absent:

Mamie Case

Non-Voting Members Present:

Matthew Bradley

Non-Voting Members Absent:

Bridget Orsic

Village Staff:

Bob Dearborn, Village President
Scott Mangum, Community Development Director

Call to Order & Roll Call:

The meeting was called to order by Chairperson Danley at 7:00 p.m. Mr. Mangum took roll call of the Commission Members present. Chairperson Danley welcomed the new Commission Members.

Approval of Meeting Minutes:

a. Approval of May 22, 2025 Special Meeting Minutes.

Chairperson Danley asked for a motion to approve the May 22, 2025 special meeting minutes. A motion to approve the May 22, 2025 special meeting minutes was made by Mr. Bradley and the motion was seconded by Mr. Alt. A vote was taken and the motion unanimously passed, 8 to 0:

AYES: Alt, Blum, Bradley, Danley, Enck, Kunkle, Subawalla, Van Vlack

NAYS: None

NON-VOTING: None

b. Approval of May 28, 2025 Regular Meeting Minutes.

Chairperson Danley asked for a motion to approve the May 28, 2025 regular meeting minutes. A motion to approve the May 28, 2025 meeting minutes was made by Mr. Bradley and the motion was seconded by Mr. Alt. A vote was taken and the motion unanimously passed, 8 to 0:

AYES: Alt, Blum, Bradley, Danley, Enck, Kunkle, Subawalla, Van Vlack

NAYS: None

NON-VOTING: None

Public Comment:

Bob Dearborn thanked the Commission Members for the important work they do for the community.

Community Development Report:

Mr. Mangum provided an update on the Grace Presbyterian Church Special Use, Variation, and Certificate of Appropriateness application as well as the 557-561 Orchard lot consolidation and variation

1 which were both approved by the Village Council.

2
3 **Recommendations:**

4 a. **Affordable Housing Plan:** The Plan Commission will consider an Amended Affordable Housing
5 Plan for the Village of Winnetka, as provided under the State of Illinois Affordable Housing Planning
6 and Appeal Act for a Non-Exempt Local Government. The Plan Commission may make a
7 recommendation to the Village Council, which may adopt an updated Affordable Housing Plan for
8 submittal to the Illinois Housing Development Authority.

9 Mr. Mangum stated the discussion would relate to the second amended affordable housing plan with
10 the PC to make a recommendation to the Village Council for adoption to be filed with the state. He
11 provided background with regard to the Illinois Affordable Housing Planning and Appeal Act (AHPAA)
12 enacted to address a shortage of affordably priced, accessible, safe and sanitary housing units and
13 summarized the timeline of the Village's adoption of the affordable housing plan. Mr. Mangum also
14 identified the language changes in the AHPAA and stated based on the Census ACS data used, there are
15 105 affordable owner-occupied units and 54 affordable rental units in the Village which resulted in a gap
16 of 277 units from being 10% affordable.

17
18 Mr. Mangum then summarized in detail the minimum components of the AHPAA to be submitted to the
19 state and to IHDA which are outlined in the packet and as well as references as to where this
20 information can be found in the draft Second Amended Affordable Housing Plan. He noted the draft
21 which was updated by Mr. Schoon was provided to the Village attorney and identified the Commission's
22 options to either continue the matter to a specific date to provide additional time to address questions
23 or comments raised or to consider a motion recommending approval of the Second Amended
24 Affordable Housing Plan with draft language included on page 6.

25
26 Chairperson Danley asked if there were any questions. Mr. Bradley asked if the 277 target number
27 represented a moving target in terms of the Village's compliance with the 10% threshold and referred to
28 the number of lot consolidations which have occurred in the Village. Mr. Mangum confirmed that is
29 correct and stated the figure is based on a snapshot of data used by IHDA. Mr. Bradley then referred to
30 the 2040 Comprehensive Plan and its recommendations and asked if they are assumed into what would
31 be an acceptable report from the Commission. Mr. Mangum responded the recommendations would
32 further housing diversity and opportunities and indicated there may be a lot of overlap between the
33 two. Mr. Bradley also how would the Village require a developer to provide inventory at the required
34 levels. Mr. Mangum responded it is handled differently by various municipalities. Mr. Bradley referred to
35 several planned developments presented to the Commission in the last two years and asked if there
36 would be a way to have conversations with those developments which did not comply with the prior
37 standards. Mr. Mangum responded that may be a question for the Village attorney and that the Village
38 did not have an inclusionary housing ordinance at the time those planned development were approved .
39 He stated outside of additional negotiation, it was not part of the original entitlement and approval.

40
41 Chairperson Danley referred to the 277 figure and asked if the Village would still be looking at the 277
42 figure no matter how much additional housing is created in the Village. Mr. Mangum referred to the
43 three options for goals under AHPAA and that the draft plan seeks a 5-percentage point increase in the
44 percentage of affordable units. Mr. Alt asked if it is a mandate and referred to the intent of every
45 community whether home rule or not that is not exempt would have to comply with the act by
46 submitting an affordable housing plan. He added that compliance with the 277 figure would significantly
47 change the community. Chairperson Danley stated with regard to the confusion and related to the
48 language interpretation, she stated the Commission is to recommend that a plan be adopted and how it

1 is enacted is not within their purview this evening. Mr. Blum stated the Commission should consider
2 goals which turn into a roadmap of success.

3
4 Mr. Enck referred to the limited amount of developments built in the Village each year. Ms. Van Vlack
5 referred to AHPAA data published in other villages to see if there were trends the Village did not follow
6 with neighboring communities and stated they are very consistent within their own parameters. She
7 questioned what the neighbors have done with regard to those which have a similar demographic to the
8 Village and identified the neighboring communities' percentage compliance. Ms. Van Vlack also referred
9 to upkeep for older homes which should be considered.

10
11 Mr. Bradley referred to the previous Comprehensive Plan discussion relating to the aging demographic
12 population being unable to remain in the Village. Mr. Mangum noted Wilmette is working on an
13 affordable housing plan and referred to the status of surrounding communities' affordable housing
14 plans. Mr. Subawalla asked if there is a timeframe the Village has to adhere to in order to reach the 277
15 requirement and asked if the Village had an opportunity zoned map. Chairperson Danley confirmed the
16 Village did have such a map which identified opportunity properties. Mr. Subawalla asked how open is
17 the Village to consider zoning. Chairperson Danley responded it is included in the Comprehensive Plan.
18 Mr. Bradley confirmed zoning amendments would need to be done to achieve what is included in the
19 Comprehensive Plan. The Commission Members then discussed zoning amendment options.

20
21 Mr. Mangum informed the Commission there is not a mandate in terms of a timeline to reach the 277
22 figure which was generated five years ago. He also stated since the Village is home rule, AHPAA did not
23 apply to the Village for a number of years. Ms. Van Vlack asked if there is caucus data relating to those
24 who want to downsize but remain in the Village. She stated the amended plan did not change much
25 from the previous approach and their goal should be to consider something with more teeth to offer
26 that as well as specific sites to suggest to developers become a multi-unit with incentives. Chairperson
27 Danley stated that actual steps to be taken would be the next part of the process. Mr. Bradley referred
28 to The Lakota Group which identified vision goals which included diversity of housing stock. He stated
29 there is enough public opinion in terms of those who would like to stay in the Village but have nowhere
30 to go. Mr. Enck referred to the previous discussion regarding allowing properties to have separate
31 accessory dwelling structures.

32
33 Mr. Blum asked if the deadline for the Village Council's approval is October. Mr. Mangum confirmed the
34 deadline is October 1, 2025. He also referred to a possible appeal process for a developer whose request
35 is denied and whether solutions should be included. Chairperson Danley explained how the
36 Comprehensive Plan was designed to be general in nature and any future issues would be dealt with
37 down the road. Mr. Mangum stated the legislative intent was to require home rule and non-home rule
38 communities to have to comply with the Act and referred to its interpretation and it would be prudent
39 for the Village to submit a plan.

40
41 Mr. Bradley referred to several typographical errors in the document and whether they should be
42 addressed now or the document submitted as is. The Commission Members discussed whether to
43 continue the matter. Chairperson Danley asked if there were any additional questions.

44
45 Mr. Subawalla asked if Village contribution toward any affordable housing plans are included.
46 Chairperson Danley stated it is an issue that is on the table for potential study. Mr. Blum asked if there
47 were items in the prior plan which are not being recommended now. Mr. Mangum stated it is generally
48 additive with the second amendment with the new requirements added to the second amended plan.

1 Ms. Van Vlack stated there are a lot of homes which fall into the more moderately priced and accessible
2 housing range and for those occupying those homes, she asked if are they going to deny their requests
3 for modifications if it would result in the home not being in the affordable category. She suggested the
4 Commission consider that impact in the future. No additional questions were raised at this time.

5
6 Chairperson Danley noted there is no one in the audience to comment and called the matter in for
7 discussion.

8
9 Ms. Kunkle described the issue as new and unusual for the Commission. She referred to the amount of
10 information that they need to consider and she would vote to continue the matter for the Commission
11 to fully consider all of the items as well as to ensure the public is available to comment. Chairperson
12 Danley reminded the Commission a recommendation needed to be made by October. Mr. Enck agreed
13 there is a lot of content to consider and he would lean toward option no. 2, to recommend approval of
14 the plan. Mr. Bradley stated he would defer to the Village Attorney and Village staff who created the
15 second amended draft. He specifically referred to Section 6 – Incentives and Implementation - which
16 charged the Commission to make recommendations to the Village Council. Mr. Bradley then suggested
17 the Commission recommend approval with correctional edits made. Mr. Alt agreed with Mr. Bradley and
18 Mr. Enck's comments. Mr. Subawalla provided his recommendation to continue the matter. Mr. Blum
19 commented option no. 2 would be the best option since it is generalized for a reason. Ms. Van Vlack
20 stated she is leaning toward option no. 2 with the correctional edits made. Chairperson Danley stated
21 she is also in favor of recommending a motion to approve given the amount of study done on the issue
22 by the Village staff and Village Attorney and are aware of what would put them in compliance with the
23 state. She stated the community would have the opportunity to comment when it is presented at the
24 Village Council.

25
26 Chairperson Danley then asked for a motion to recommend approval of the affordable housing plan. Ms.
27 Kunkle stated she agreed with the Commission's comments and would vote in favor of option no. 2. A
28 motion was made by Mr. Bradley to recommend approval of the Second Amended Affordable Housing
29 Plan as included on page 3 with the following suggested revisions: (i) page 8 – missing period at the end
30 of the last sentence in the second paragraph; (ii) page 10 - missing period at the end of the last sentence
31 in the second paragraph; (iii) Section A – correct the reference to the 2040 Plan; (iv) page 11 – correct
32 the reference to state the 2040 Comprehensive Plan. The motion was seconded by Mr. Alt. A vote was
33 taken and the motion passed, 7 to 1:

34 AYES: Alt, Blum, Bradley, Danley, Enck, Kunkle, Van Vlack

35 NAYS: Subawalla

36 NON-VOTING: None

37
38 **New Business.**

39 a. July 23, 2025 Meeting – Quorum Check.

40 The Commission Members discussed their availability.

41
42 **Adjournment:**

43 Chairperson Danley asked for a motion to adjourn. A motion to adjourn was made by Mr. Blum and
44 seconded by Ms. Van Vlack. A vote was taken and the motion unanimously passed, 8 to 0:

45 AYES: Alt, Blum, Bradley, Danley, Enck, Kunkle, Subawalla, Van Vlack

46 NAYS: None

47 NON-VOTING: None

48 The meeting was adjourned at 8:20 p.m.

1
2 Respectfully submitted,
3
4 Antionette Johnson
5 Recording Secretary