



STATE AND FEDERAL POLICY BRIEF

For Metropolitan Mayors Caucus, Housing + Community Development Committee
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Bob Palmer, Policy Director, Housing Action Illinois

312-939-6075

bob@housingactionil.org

STATE AND FEDERAL EVICTION MORATORIUMS

- For the month of August, Governor Pritzker's executive order, combined with State of Illinois Supreme Court order, offers tenants more protections than the federal CDC moratorium.
- In Illinois, as of August 1, eviction filings against those previously covered by the Illinois moratorium are no longer prohibited.
- Governor Pritzker's most recent executive order, EO 2021-19, extends the current EO prohibitions—including each tenant, lessee, sub-lessee, and resident be provided with a declaration at least 5 days prior to commencement of any residential eviction proceeding and requiring law enforcement officers to cease enforcement of orders of eviction for residential premises entered against covered person—through September 18.
- Effective August 1, the Illinois Supreme Court has in place a revised order to align with the resumption of eviction filings. This establishes a one-month period in which county court judges will stay residential eviction proceedings against covered persons and refer landlords and tenants to emergency rental assistance (ERA) programs and other resources. Access the court order at <https://bit.ly/ILMR30370>. The order is currently set to expire on September 1.

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- The federal CDC moratorium, effective August 3, prevents execution of eviction orders of covered persons by law enforcement, but does not prevent eviction cases proceeding in court or courts entering judgments against tenants. The CDC moratorium is in effect through October 3.
- The CDC moratorium protects renters living in communities experiencing substantial or high transmission of COVID-19. In Illinois, as of August 19, this was all 102 counties. Get the data at <https://covid.cdc.gov/covid-data-tracker/>.
- The State of Illinois tenant declaration form is substantially similar to the CDC declaration form, but to ensure their protection for whichever lasts longer, tenants should provide their landlord with a signed version of the CDC form if they can attest they cannot pay their full rent and meet the other requirements of being a covered person.
- The text of CDC moratorium and declaration form are available at <https://bit.ly/CDCEvictionOct3>.

EVICTION PREVENTION RESOURCES IN ILLINOIS

- Visit <https://IllinoisRentalAssistance.org> to connect to a service provider who can help people apply for State of Illinois emergency rent assistance and other services right now. Providers include homeless service providers, Welcoming Centers, legal assistance providers, faith-based groups and community-based organizations.
- Visit <https://EvictionHelpIllinois.org> for free legal assistance.
- Some Illinois counties have emergency rent assistance programs that are currently open. Additional rounds of ERA will be available from the State of Illinois and local governments later this year. Check the status of programs at <https://housingactionil.org/era>.
- IHDA will be launching a mortgage assistance program in the fall. More info at <https://www.ihda.org/haf/>.

AFFORDABLE HOUSING OMNIBUS: HB 2621, SIGNED INTO LAW ON JULY 29, 2021

- Creates a COVID-19 Affordable Housing Grant Program to support the construction and rehabilitation of affordable multifamily rental housing in response to the COVID-19 pandemic. The fiscal year 2022 state budget includes initial funding of \$75 million for the program, using federal funds from the American Rescue Plan. This will ensure that development costs can be paid for while also keeping rents affordable for low-income households.
- Establishes a property tax assessment incentive to encourage owners of multifamily buildings with 7 or more units to invest in their properties and keep rents affordable. To serve the needs of owners in both high and low cost markets, the legislation creates three different incentive levels, with different levels of investment thresholds, assessed value reductions and affordability requirements. Both market rate and affordable developers can participate. Enacts the policy in Cook County. Other counties may opt-out by a vote of their county board.

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- Strengthens the Affordable Housing Planning and Appeal Act (AHPAA). This existing state law requires communities with less than 10% affordable housing to develop plans to address the shortage. HB 2621 will make it clear that this explicitly applies to home rule communities and will require that local governments hold a public hearing on proposed affordable housing plans before finalizing them.
- Extends the Illinois Affordable Housing Tax Credit (“State Donation Tax Credit”) through 2026.
- Increases income targeting for state donation tax credit-financed home ownership projects to 120% of area median income.
- Improves income-based property tax assessment policies for housing financed with the federal Low Income Housing Tax Credits.
- Increases the bonding authority for the Illinois Housing Development Authority (IHDA), so that IHDA can finance more affordable housing.



SUMMARY OF PROPERTY TAX INCENTIVES FOR AFFORDABLE RENTAL HOUSING

| | Tier 1 | Tier 2 | Tier 3 |
|--------------------------------|---|---|---|
| % of Affordable Units Required | 15% | 35% | 20% |
| Affordability Level | 60% of Area Median Income (AMI) | | |
| Assessed Value Reduction | 25% | 35% | Years 1-3: 100% of the difference between the value of the property one year before 20% of affordable units are occupied and post-construction assessed value Years 4-6: 80% of the difference Years 7-9: 60% of the difference Years 10-12: 40% of the difference Years 13-30: 20% of the difference |
| Investment requirements | New construction and rehab costing \$8/sq ft and improvements of two primary building systems | New construction and rehab costing \$12.50/sq ft and improvements of two primary building systems | New construction and rehab costing \$60/sq ft and improvements of five primary building systems. Also requires project labor agreement entered into with the applicable local building trades council. |
| Minimum # of Residential Units | 7 units | | |
| Duration | 10 years, with two renewable 10 year periods for a total of 30 years | 10 years, with two renewable 10 year periods for a total of 30 years | 30 years |



MORE INFORMATION AND RESOURCES

- Read our Illinois General Assembly wrap-up blog post at <https://housingactionil.org/ilgawrapup2021>
- Current action alert on federal infrastructure reconciliation package at <https://housingactionil.org/federalert0821>
- Sign up for our newsletters and other communications at <https://housingactionil.org/join>

