

§91.215(f) REMOVING BARRIERS TO AFFORDABLE HOUSING

As described previously in Section 91.210(e) “Barriers to Affordable Housing,” there are no barriers found in the public policies of Will County municipalities that affect the cost of housing or the incentives to develop, maintain or improve affordable housing.

The only barrier identified is one that is likely found in most municipalities in the United States: the rising cost of housing in the private marketplace. There is not enough state and federal funding available to counter this trend. Further, by definition, control over the private marketplace by local, state or federal government is extremely limited.

Will County will continue to work to make housing more affordable in the private marketplace through its HOME programming (see “Strategic Plan” section of this Consolidated Plan). Although funds are limited, Will County strives to leverage and maximize its grant dollars through partnerships with housing organizations in the community (including developers such as the Housing Authority of Joliet and Habitat for Humanity) that are capable of efficiently and effectively implementing programs.

With the passage of the Affordable Housing Planning Appeal Act in 2003, also known as Illinois Public Act 93-0595, counties and municipalities are encouraged to create affordable housing and the Act provides developers with an appeals process if they feel they have been treated unfairly. Developers can appeal a local planning body’s decision if they believe the planning board’s decision is arbitrary and prevents them from constructing affordable housing. Section 30 of the Act presents this appeals process in detail. Starting in 2006, if a developer’s application to building affordable housing is infeasible, developers can, within 45 days, submit to the State Housing Appeals Board a description of why they think their application was unfairly denied. Some municipalities are exempted from this appeals process under Section 15 of the Act. Starting in 2009, the Board will begin to render decisions on the developers’ appeals within 120 days of the appeal being filed. The Board will consider the facts and whether the developer was treated in an unfair manner as a result of the development containing affordable housing. The Board will also examine any actions taken by the local government regards to granting waivers or variances that affect the economic viability of the development. The developer must be able to demonstrate that they have been unfairly denied approval of their application. The appeal can be denied if the local government has already adopted and implemented an affordable housing plan and has met its goal. The Board can also affirm the decision of the local government.