From:	Peter M. Friedman
To:	AHPAA; Erik Turner; Emily Mueller Schwartz; Alan Quick; Monica Enriquez
Cc:	Robert Bahan
Subject:	[EXTERNAL] RE: 2023 Affordable Housing Planning and Appeal Act: Notification of Non-Exemption Status
Date:	Tuesday, May 14, 2024 6:59:51 PM
Attachments:	image001.png Village of Winnetka.pdf

Good morning.

Our office serves as the Village Attorney for the Village of Winnetka. The Village received the email below regarding IHDA's determination that the Village is a "Non-Exempt Local Government" under the Affordable Housing Planning and Appeal Act (310 ILCS 67/) ("Act").

Please note that the Village did not receive any previous notice in December 2023 (as referenced in your email) regarding this notification and determination. Under Section 25(a) of the Act, non-exempt local governments have 18 months from the date of the notification to approve or amend an affordable housing plan. Accordingly, assuming the Act's application to the Village, the date of the Village's submittal requirement would not be June 14, 2025, as stated in your email, as that date is based on the Village having received the notification and determination on December 14, 2023, which it did not. Rather, the first official notice the Village received of IHDA's determination regarding the Village was the April 1, 2024 email below. Accordingly, to the extent Section 25(a) of the Act applies to the Village, the Village would have until October 1, 2025 to approve or amend an affordable housing plan.

The Village also received the attached April 17, 2024 letter regarding the new home rule provision of the Act. The Village continues to evaluate the nature and scope of the applicability of Section 70 to the Village, but does not believe the issue is as definitive as stated in the letter.

Please feel free to call me if you would like to discuss any of this further.

Thanks.

Peter

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From: AHPAA <AHPAA@ihda.org>

Date: Monday, April 1, 2024 at 3:52 PM

To: Chris Rintz <CRintz@winnetka.org>, contactus <contactus@winnetka.org>

Cc: Erik Turner <ETurner@ihda.org>, Emily Mueller Schwartz <EMueller@ihda.org>, Alan Quick <AQuick@ihda.org>, Monica Enriquez <MEnriquez@ihda.org>

Subject: 2023 Affordable Housing Planning and Appeal Act: Notification of Non-Exemption Status

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Dear Village President Rintz,

As a follow up to the notification provided in December 2023, the Illinois Housing Development Authority (IHDA) would like to confirm the Village of Winnetka is determined to be a "Non-Exempt Local Government" under the Affordable Housing Planning and Appeal Act (310 ILCS 67/) ("AHPAA").

Effective since January 1, 2004; the AHPAA designated IHDA the responsibility of determining the affordable housing share of local governments throughout Illinois, and with reviewing each government's corresponding exemption status under the Act. To undertake the determination process and compile the AHPPA exemption list, IHDA utilizes data from the U.S. Census Bureau once every five years.

Attached to this message is a handbook featuring an overview of the essential components of the law and the steps used by IHDA to determine why the Village of Winnetka is a Non-Exempt Local Government. We hope this handbook will aid local

officials, administrators, and community members in the Village of Winnetka to better understand the AHPAA and its intent.

As the Village of Winnetka was previously determined to be a Non-Exempt Local Government, please be reminded:

1. Developers seeking to build affordable housing in the Village of Winnetka, and other statutorily designated Appellants, have the right to file an appeal with the State Housing Appeals Board, if they feel that the Village of Winnetka has acted unfairly in the local permitting process (details of the appeals process are provided in the attached handbook).
2. AHPAA requires that Non-Exempt Local Governments create, adopt, and submit an affordable housing plan to IHDA within 18 months after notification of Non-Exempt status, (specific elements of the plan which must be included are outlined in the enclosed handbook). If your community has previously submitted a plan, you may update it, and resubmit to IHDA. Under the 2023 AHPAA cycle, Non-Exempt Local Governments have until **6/14/2025** to submit affordable housing plans.

Note, any correspondence submitted to IHDA related to the AHPAA, including affordable housing plans and subsequent revisions, may be considered by the State Housing Appeals Board in the case of an appeal related to a proposed affordable housing development in the Village of Winnetka.

Additional information related to the AHPAA is available on the IHDA website.

Should you have any questions or concerns, please contact IHDA's Strategic Planning and
Reporting Department (SPAR) at AHPAA@ihda.org, and an IHDA representative will assist.