Village of Downers Grove

Report for the Village Council Meeting

Table 1 - Council Agenda item.

Subject	Resolution Supporting Municipal Housing Authority and Opposing the Illinois BUILD Legislation
Submitted By	David Fieldman, Village Manager

Synopsis

A Resolution has been prepared supporting municipal housing authority and opposing a series of bills collectively known as Illinois BUILD legislation.

Strategic Plan Alignment

The 2025-27 Strategic Goals include *Steward of Financial, Environmental, and Neighborhood Sustainability*, *Exceptional Municipal Services* and *Top Quality Infrastructure*.

Fiscal Impact

If the BUILD legislation is approved, infrastructure improvement and parking costs related to new residential developments would likely increase.

Recommendation

Approval on the May 19, 2026 Active Agenda.

Background

The Building Up Illinois Developments (BUILD) proposal, including SB 4060, SB 4061, SB 4062, SB 4063, SB 4064, and HB 5626, raises significant concerns regarding the loss of local zoning and development authority. Local control at the municipal level is essential to ensure land use decisions align development with infrastructure capacity, emergency response access, and long-term community planning. Current decision-making processes include extensive public engagement opportunities to allow the public to participate directly in shaping Downers Grove neighborhoods. The statewide mandates proposed in the BUILD legislation would significantly preempt this local authority by imposing one-size-fits-all zoning requirements across communities with unique infrastructure and service needs, development patterns, and other planning considerations.

Key negative impacts of the proposed legislation include:

> Loss of local planning authority: Statewide, by-right zoning standards override community-based planning, limiting the ability to align development with local conditions and resident input.
>
> Uncertain affordability outcomes: Higher density alone does not guarantee lower housing costs, which are largely driven by land, labor, materials, and financing.
>
> The proposed legislation does not address several key drivers of housing costs, including land values, construction materials, labor availability, financing conditions, and market incentives that may prioritize development of higher-priced units rather than “missing middle” or low-income/workforce housing.
>
> Cost shifting: Limits on impact fees and lack of infrastructure funding may shift the financial burden of growth to existing taxpayers.

Neighborhood impacts: Potential redevelopment of single-family and historic areas may affect community character and housing stability.

Infrastructure strain: Increased density could outpace capacity for water, sewer, stormwater, roads, schools, and emergency services without dedicated funding.

The attached Resolution outlines the Village's concerns with the proposed legislation and expresses opposition to all bills associated with BUILD.

Attachments

Resolution

DuPage Mayors and Managers Conference Materials

Resolution No.

A Resolution of the Village of Downers Grove in Support of Municipal Housing Authority and in Opposition of the BUILD Proposal

WHEREAS, the Village of Downers Grove is a home rule unit pursuant to Article VII, Section 6 of the Illinois Constitution of 1970 and

WHEREAS, the Village of Downers Grove, as a home rule unit, has the responsibility to promote public health, safety and general welfare by regulating land use, density and development standards within the Village in a manner commensurate with the unique issues impacting its residents and the various communities within the Village; and

WHEREAS, land use and zoning decisions are appropriately made at the local level by municipal officials familiar with the unique characteristics of their respective municipalities; and

WHEREAS, the Village recognizes that municipal authority of land use and zoning is a means to address separate, incompatible land uses, protect property values, manage traffic flow, ensure adequate infrastructure and guide orderly community growth; and

WHEREAS, the Village has undertaken initiatives to foster the availability and adequacy of attainable housing units throughout the Village while also ensuring that such land uses are compatible with the communities in which they are situated; including taking such actions such as working in conjunction with the Metropolitan Mayors Caucus on the creation of an Attainable Housing Study, amending its zoning regulations to provide for additional dwelling unit allowances, and recently adopting an award winning Comprehensive Plan; and

WHEREAS, the Village's Comprehensive Plan supports missing-middle housing and higher-density development; and

WHEREAS, State legislation that mandates residential density as a matter of course without regard for the impact upon the unique nature of various communities throughout the State eliminates discretionary review of residential development by those officials intimately in tune with the needs of the communities in which they have been elected and appointed to serve; and

WHEREAS, a one size fits all approach to development density will not necessarily result in increased affordability amongst the impacted developments as various other factors impact the affordability of units, such as the costs for land, materials, labor, financing, and the availability of other market incentives; and

WHEREAS, State mandated regulations governing development density is antithetical to the Illinois Constitution's grant of power to home rule units to regulate for the protection of the public health, safety and welfare of their communities; and

WHEREAS, the Building Up Illinois Developments (BUILD) proposal, which includes a series of house and senate bills (SB 4060, SB 4061, SB 4062, SB 4063, SB 4064 and HB 5626) raises significant concerns regarding the loss of local zoning and development authority; and

WHEREAS, the Village Council of the Village of Downers Grove finds that the existing municipal authority governing land use and zoning is essential for the continuing community vitality of the Village.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Downers Grove as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. The Village urges the Illinois General Assembly and the Governor to oppose the BUILD proposal and any legislation that usurps municipal control over development, and preserve municipal control over land use and zoning in its

current form without additional State imposed restrictions on municipal governments and the communities they serve.

Section 3. The Village urges the Illinois General Assembly and Governor to confer and collaborate with local stakeholders, including but not limited to locally elected and appointed municipal officials throughout the State of Illinois, with respect to legislation that will help to combat issues affecting attainable housing.

Section 4. The Village urges the Illinois General Assembly and Governor to pass legislation that combats the underlying issues that negatively impact the availability of affordable rental units, such as the lack of funding, technical assistance for affordable developments and infrastructure investment relative to higher-density redevelopments, rather than passing legislation the usurps local control over development.

Section 5. The Village Clerk shall forward a copy of this Resolution to Governor and members of the Illinois General Assembly.

_____

By: Mayor

Passed:

Published:

Attest:

_____

By: Village Clerk

March 16, 2026

Illinois General Assembly
401 South 2nd Street
Springfield, Illinois 62707

Dear Members of the Illinois General Assembly,

Governor Pritzker's Building Up Illinois Developments (BUILD) proposal, including SB 4060, SB 4061, SB 4062, SB 4063, SB 4064, and HB 5626, raises significant concerns among the members of the undersigned councils of government regarding the loss of local zoning and development authority. While our members recognize the importance of addressing housing availability and affordability across Illinois, we urge the General Assembly to carefully consider how these proposals would affect infrastructure capacity, building safety standards, and locally informed planning.

Local control at the municipal level is essential to ensure land use decisions align development with infrastructure capacity, emergency response access, and long-term community planning. Current decision-making processes include extensive public engagement opportunities to allow residents to participate directly in shaping their neighborhoods. The statewide mandates proposed in the BUILD legislation would significantly preempt this local authority by imposing one-size-fits-all zoning requirements across communities with unique infrastructure and service needs, development patterns, and other planning considerations.

The water, sewer, stormwater, and transportation systems, along with school, park district, and public safety services in suburban communities, are designed to support defined population levels and development patterns. Significant increases in residential density without corresponding infrastructure investment could place substantial strain on these systems. Municipalities possess limited authority and financial capacity to absorb these costs without raising taxes, particularly in non-home rule communities where revenue options remain constrained. Without mechanisms to address infrastructure capacity, the financial burden of these expansions will ultimately fall on property taxpayers and local ratepayers or force communities to defer needed infrastructure investments.

Housing affordability also involves economic factors other than density allowances. Land prices, construction costs, labor shortages, financing conditions, and market incentives all play significant roles in determining housing prices. Developers must still respond to market conditions, construction costs, and financing requirements when determining what type of housing can be built. Increasing allowable density alone does not determine whether new housing will be affordable, as zoning changes do not control the price point at which housing units enter the market. In some cases, dramatic increases in allowable density may raise land values, unintentionally raising housing costs rather than reducing them.

Debby Sosine
President, Metro West Council of Government
President, Village of Algonquin

Jada D. Curry
President, South Suburban Mayors and Managers Association
Mayor, Village of Lynwood

Gerald R. Bennett
President, Southwest Conference of Mayors
Mayor, City of Palos Hills

k.w.

Rich Pellegrino
Executive Director, West Central Municipal Conference

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Case Study: Redevelopment of Historic Homes

Proposed legislation that preempts local planning and zoning processes places historic neighborhoods at greater risk of redevelopment and threatens irreplaceable community assets.

THE RISK: WHAT IS AT STAKE IN HISTORIC NEIGHBORHOODS

- Investing in the rehabilitation and repair of historic buildings for affordable housing can help prevent the neighborhood displacement that often accompanies new construction.
- Older neighborhoods are often enclaves for distinct working-class communities that share a particular ethnic, racial, or religious background, making them important centers of cultural heritage.
- Architecturally significant and historic areas provide unique opportunities for economic development centered around walkable neighborhoods.
- Preserving existing housing stock has a lower environmental impact than new construction by maximizing the use of existing infrastructure and reducing waste.
- Historic buildings contain embodied energy, the total energy required for the extraction, manufacturing, processing, and delivery of materials to the building site. The demolition and replacement of an existing historic home can take as long as 65 years to recover the embodied energy lost.

SPECIFIC BUILD ACT PROVISIONS THAT THREATEN HISTORIC RESOURCES

- By-right development of multi-family housing on residential lots would allow the complete conversion of existing single-family homes, including architecturally and historically significant properties, without meaningful local review.
- Reduced minimum lot sizes and increased density allowances may accelerate the demolition of older homes in established neighborhoods, undermining the character and cohesion of historic areas.
- Preemption of local zoning processes removes the ability of municipalities to protect historic areas through locally informed planning and review standards.

A BETTER PATH FORWARD

Housing legislation should prioritize the preservation of existing housing stock alongside responsible new development policies:

- Additional funding and technical assistance to preserve existing housing stock and improve energy efficiency.
- Incentives for the rehabilitation of historic properties for affordable and workforce housing, rather than policies that encourage demolition and replacement.
- Meaningful local authority to designate and protect historic areas through community-based planning processes.

Housing legislation should incentivize the development of vacant or underutilized lots, rather than the conversion of existing properties. The authority to shape local neighborhoods should remain with municipal planning bodies composed of local community members who understand the needs of both current and future residents.

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Proposed Legislation – Building Up Illinois Developments

DMMC communities support expanding attainable housing options, including "missing middle" and workforce housing, but have concerns that statewide zoning mandates may create unintended local impacts. Effective policy should pair increased housing production with infrastructure investment, appropriate fiscal tools, and local implementation flexibility.

KEY CONCERNS

- **Loss of local planning authority:** Statewide, by-right zoning standards override community-based planning, limiting the ability to align development with local conditions and resident input.
- **Uncertain affordability outcomes:** Higher density alone does not guarantee lower housing costs, which are largely driven by land, labor, materials, and financing.
- **Cost shifting:** Limits on impact fees and lack of infrastructure funding may shift the financial burden of growth to existing taxpayers.
- **Neighborhood impacts:** Potential redevelopment of single-family and historic areas may affect community character and housing stability.
- **Infrastructure strain:** Increased density could outpace capacity for water, sewer, stormwater, roads, schools, and emergency services without dedicated funding.

KEY DATA POINTS

- Significant housing production is already occurring across DuPage communities, alongside zoning updates and regional housing initiatives.
- Under proposed standards, some areas could see substantial increases in allowable density, with corresponding impacts on infrastructure and services.

RECOMMENDED LEGISLATIVE APPROACH

To effectively expand housing supply while maintaining community stability:

1. Preserve **local planning and zoning flexibility**
2. Provide **dedicated infrastructure funding** tied to increased density
3. Allow **proportional impact fees** to recover growth-related costs
4. Ensure **stable municipal revenues** (e.g., full LGDF funding)

Housing supply can be expanded through a coordinated state and local approach that aligns production goals with infrastructure investment, fiscal tools, and local implementation rather than preempting municipal planning authority in ways that may create unintended negative impacts on communities.

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Key Issues • DuPage Mayors and Managers Conference

UPHOLD RESIDENT INPUT & QUALITY OF LIFE IN PLANNING DECISIONS

Current development review and rezoning processes promote public engagement and responsible redevelopment through structured and transparent decision-making. Local zoning authority ensures that land use and quality-of-life decisions remain in the hands of the residents and communities directly affected.

- One-size-fits-all statewide standards do not reflect the unique characteristics and needs of individual communities and may limit local officials' ability to address resident concerns.
- Public hearings, planning commission review, and elected official oversight provide residents with meaningful opportunities to participate in decisions that affect their neighborhoods and reflect the on-the-ground knowledge local officials bring to planning decisions.
- Many single-family neighborhoods in built-out suburban communities were designed around specific assumptions regarding traffic volumes, parking availability, water and sewer capacity, stormwater management, emergency response access, and school enrollment projections.

MAINTAIN HOUSING SAFETY STANDARDS

Reducing barriers to housing development and affordability must remain consistent with protecting the safety of residents. Municipal permitting, plan review, and inspection processes protect residents while providing developers with predictable and transparent review timelines.

- Housing design standards must maintain life safety requirements equivalent to or greater than those established in the International Building Code (IBC), the International Fire Code (IFC), and the National Fire Protection Association (NFPA) 101 Life Safety Code.
- Weakening or bypassing established safety standards, including through changes that make adopted international building and fire codes less restrictive, could expose residents to unnecessary risks and undermine decades of nationally recognized building and fire safety practices.

Illinois residents should have confidence that any new housing constructed in their communities meets the highest life safety standards.

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ENSURE DEVELOPERS PAY THEIR FAIR SHARE

Existing infrastructure in many suburban communities was designed to support defined development patterns. Impact fees are one of the few tools available to ensure developers contribute their proportionate share toward the infrastructure required to support new growth.

- Even modest increases in residential density can require substantial infrastructure investments, including construction of new facilities rather than incremental upgrades to existing systems. These improvements can cost millions of dollars in capital expenditures, and local impact fees help ensure those costs are not shifted to existing taxpayers.
- Without local parking requirements or incentives, developers may not provide sufficient parking to meet market demand in suburban communities. Prohibiting or limiting parking requirements without addressing gaps in transit service will likely result in insufficient parking and increased pressure on neighborhood streets and roadway systems that suburban residents rely upon.

PRESERVE COMMUNITY CHARACTER AND HISTORIC HOMES

Local zoning is not arbitrary. It reflects careful planning that considers infrastructure capacity, fiscal impacts, public safety standards, and the expectations of residents who make long-term investments when choosing homes in specific neighborhoods.

- Limiting municipal authority to maintain and promote community character may reduce neighborhood stability and long-term desirability, potentially discouraging homeownership and encouraging existing residents to relocate.
- Existing housing stock, including many older homes, can offer more attainable housing options than new construction. Preservation and rehabilitation can help retain those options while reducing displacement.
- Reducing minimum lot sizes to 2,500 square feet may disrupt established neighborhood patterns and increase underlying land values, potentially increasing housing costs in surrounding areas rather than reducing them.
- Increasing allowable residential density alone does not guarantee housing affordability. Housing prices are influenced by land values, construction costs, labor availability, and financing conditions.

By-right development of multi-family housing and the preemption of local planning and zoning processes may place historic homes and older residential neighborhoods at greater risk of redevelopment.

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Alternative Approaches to Support Housing Development

Barriers to increasing housing development and affordability in Illinois can be addressed through coordinated state, county, and local initiatives without preempting municipal zoning authority, resident input in community planning decisions, or established local review, permitting, and inspection processes.

FINANCING AND INCENTIVES

- Infrastructure funding programs that help offset the cost of water, sewer, stormwater, and transportation improvements needed to support residential growth.
- Expanded financial incentives that help close development financing gaps for housing projects.
- Targeted incentives that support redevelopment of vacant or underutilized commercial and office properties into residential housing.
- Property tax incentive programs that support the construction of attainable workforce housing.

STATE PROGRAMS AND SUPPORTS

- Programs that support redevelopment of underutilized commercial or office properties into residential or mixed-use housing.
- Expanded technical assistance and planning resources to help municipalities evaluate housing supply and redevelopment opportunities.
- State assistance for site preparation, environmental remediation, and infrastructure improvements needed to enable residential development.
- Continued investment in transportation infrastructure that supports responsible residential development.

The proposed legislation does not address several key drivers of housing costs, including land values, construction materials, labor availability, financing conditions, and market incentives that may prioritize development of higher-priced units rather than "missing middle" or low-income/workforce housing.

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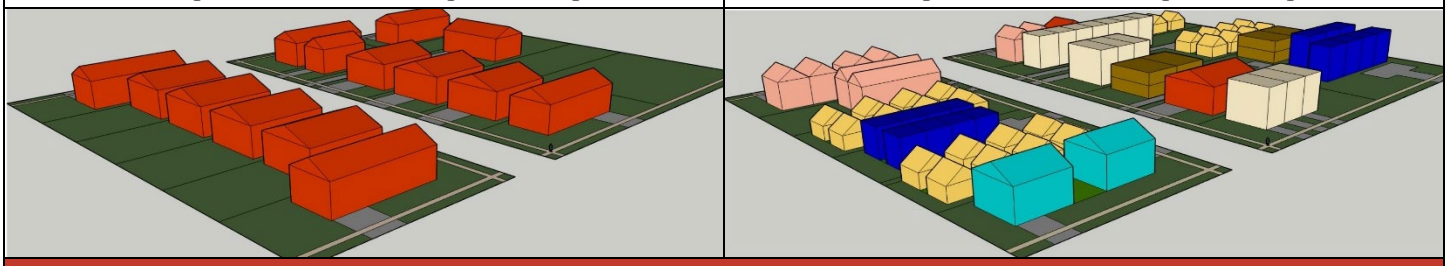
Case Study: Single-Family to Multi-Family Conversion

The BUILD proposal's statewide zoning standards would allow by-right development of multi-family housing on virtually all residential lots, enabling the conversion of single-family homes to multi-family units and significantly increasing density without providing municipalities with the resources to accommodate that growth.

CURRENT ZONING — 14 Units	UNDER THE BUILD ACT — 77 Units
3.76 units per acre | 11,571 square feet per unit	20.70 units per acre | 2,104 square feet per unit



The legislation could result in a 450% increase in density on the same block, without mechanisms to address resulting infrastructure & service demands.

Under the BUILD Act's tiered framework, lots over 7,500 square feet could accommodate up to eight units by right. Applied across a neighborhood, this would significantly increase overall density. Municipal infrastructure and services are planned based on current zoning and development patterns. The BUILD Act mandates this increase without providing adequate resources to expand infrastructure and services, shifting those costs to current residents and local taxpayers.

Housing legislation should incentivize the development of vacant or underutilized lots, rather than the conversion of existing properties. The authority to shape local neighborhoods should remain with municipal planning bodies composed of local community members who understand the needs of both current and future residents.

WE SUPPORT EXPANDING HOUSING OPTIONS. LEGISLATION MUST INCLUDE:

1. **Dedicated infrastructure funding** for water, sewer, stormwater, and road improvements required to support higher-density development.
2. **Local planning authority** so municipalities can align growth with infrastructure and service capacity.
3. **Impact fees proportional to added demand**, rather than standardized caps that limit municipal cost recovery.
4. **Full funding of the Local Government Distributive Fund (LGDF)** to ensure municipalities have baseline resources to serve growing populations.

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Demands on Infrastructure from Added Density:

- Water main and pressure system upgrades
- Stormwater detention and drainage improvements
- Sanitary sewer conveyance and capacity improvements
- Roadway, traffic, and intersection improvements

Neighborhood Consequences of Unfunded Growth:

- Reduced water pressure
- Flooding and drainage problems
- Parking spillover on neighborhood streets
- Costs shifted to current residents and taxpayers
- Sewer backups and overflows
- Traffic congestion and cut through traffic
- Road wear and pavement deterioration
- Emergency access delays

Municipal Housing Development in DuPage County

Middle-Housing Development Activity

6,100+

new multi-family units have been built since 2020.

Middle-Housing Under Development

3,300+

additional units are planned, approved, or under construction.

Comprehensive Plans

in **17** municipalities feature housing development priorities.

Zoning Updates

related to housing have been approved in **13** communities since 2020.

Housing Studies and Toolkits

have been completed in **12 communities,** and **12** DuPage municipalities have participated in the MMC Homes for a Changing Region initiative.

250,000+ single-family lots

in DuPage County would be eligible for redevelopment under BUILD, a potential **400% increase** in density that existing infrastructure and public services cannot support.

Non-home rule communities

face constrained revenue options and fewer tools to absorb growth, while **parks and schools** already at capacity would face additional strain.

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Village of Downers Grove Housing Initiatives & Development Activity in DuPage Since 2020

Zoning Updates

Created a zoning district allowing ADUs as a special use

Considering amendments to allow ADUs in residential districts

Multi-Family and Townhouse Development Activity

410
Apartments

28
Townhomes

169
Senior Apartments

Comprehensive Plan

Supports missing middle housing, such as duplexes and small-scale multi-family

Encourages housing near transportation and employment centers

Promotes compact, higher-density housing aligned with land use plans

Maintains housing diversity across income levels

Considers incentives such as density bonuses for attainable housing

Encourages housing in mixed-use areas

Housing Study

Working with the Metropolitan Mayors Caucus on an Attainable Housing Study

Attainable Housing Redevelopment

Exploring attainable housing through redevelopment of a Village owned parking lot

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Village of Downers Grove

Council Action Summary

Table 1 - Council Action Summary.

Initiated By	Village Attorney
Effective Date	May 19, 2026
Recommendation From	
File Reference	
Nature of Action	Resolution

Steps Needed to Implement Action.

Motion to adopt "A Resolution of the Village of Downers Grove in support of municipal housing authority and in opposition to the Illinois BUILD Proposal", as presented.

Summary of Item.

Adoption of this resolution shall support the municipal housing authority and opposes the Illinois BUILD Proposal.

Record of Action Taken.

_____

_____

_____