Illinois State Association of Counties

ISSUE BRIEF

September 23, 2026

ILLINOIS BUILD ACT HOUSING LEGISLATION

Overview

Building Up Illinois Developments, or BUILD, is Governor Pritzker's proposal to increase housing construction through changes to zoning, building codes, parking rules, fees and permit review. The legislative package consists of HB 5626 and six Senate bills: SB 4060, SB 4061, SB 4062, SB 4063, SB 4064 and SB 4071. HB 5626 combines the proposed reforms in one House bill; the Senate bills address them separately. The package's land use and development process requirements primarily target municipalities. HB 5626 and SB 4061 also directly affect counties by restricting county building codes for certain residential buildings with a single exit stairway.

ISACo recognizes the need for more housing across Illinois. Its principal concern is that statewide requirements would displace local decisions without adequately accounting for differences in infrastructure, development capacity and public safety needs. This brief separates the direct county provision from municipal provisions that may still affect county interests.

Direct County Impact: Single Stairway Buildings

HB 5626 and SB 4061 would add Section 5-1063.3 to the Counties Code. Beginning January 1, 2027, a county building code could not prohibit a qualifying residential building from using a single stairway as the exit for all units. The proposed standard applies to buildings of up to six stories, subject to conditions in the bills. The bills would impose the same restriction on municipal building codes.

This is an express preemption of county code authority: a county could no longer require a second stairway solely through a conflicting local building code when a project meets the state standard. Counties would need to review their codes and administrative practices if the provision became law. Any effect on county review costs, fire service demands or insurance costs would depend on local circumstances and cannot be quantified from the bill alone. ISACo has opposed both bills and requested a role in discussions about the proposed standard.

Other BUILD Provisions

The remaining provisions are directed principally at municipalities. They should not be described as mandates on counties under the introduced Senate bills.

Proposal	What it would do	County relevance
Middle housing — HB 5626 / SB 4060	Require municipalities to allow specified numbers of dwelling units on lots in residential districts that permit single family homes, with the number varying by lot size.	May affect county interests in transportation, stormwater and other infrastructure where development occurs, but the cited zoning mandate is municipal.
Accessory dwelling units — HB 5626 / SB 4071	Limit municipal restrictions on accessory dwelling units in areas permitting single family dwellings.	Potential development effects; no direct county zoning mandate identified in these provisions.
Impact fees — HB 5626 / SB 4062	Establish a more standardized framework and disclosure requirements for municipal impact fees.	Counties should watch for amendments that might extend fee restrictions to them.
Permit review and inspections — HB 5626 / SB 4063	Set municipal initial plan review deadlines of 15 business days for one- or two-family projects and 30 business days for other specified projects. A missed inspection deadline of two business days could allow the applicant to use a qualified third-party inspector.	These deadlines should **not** be attributed to county permit offices under the introduced Senate bill.
Parking — HB 5626 / SB 4064	Restrict municipal minimum parking requirements for specified types of development.	Indirect effects may arise where development and county transportation facilities intersect.

Fiscal and Operational Considerations for Counties

Code administration. Counties that adopt or enforce building codes would need to identify any provisions inconsistent with the proposed single stairway standard, update review guidance and train relevant staff. These are potential implementation costs, although the amount would vary by county.

Public safety and infrastructure. County officials should assess how the proposed standard would operate alongside applicable fire protection, emergency response and access requirements. Broader housing development may also create infrastructure needs, but the introduced municipal zoning bills do not themselves establish a specific county expenditure.

ISACo Assessment

ISACo opposes HB 5626 and SB 4061 as introduced because they preempt county authority over a building code safety standard. The other Senate bills primarily regulate municipalities and warrant monitoring for indirect effects and possible changes in county scope.