

1 AN ACT concerning housing.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Housing Authorities Act is amended by
5 changing Sections 8.10a, 17, 25, 25.01, and 25.02 as follows:

6 (310 ILCS 10/8.10a)

7 Sec. 8.10a. Criminal history record and housing data.

8 (a) Every Authority organized under the provisions of this
9 Act shall collect the following criminal history record data:

10 (1) the number of applications submitted for admission
11 to federally assisted housing;

12 (2) the number of applications submitted for admission
13 to federally assisted housing by individuals with a
14 criminal history record, if the Authority is conducting
15 criminal history records checks of applicants or other
16 household members;

17 (3) the number of applications for admission to
18 federally assisted housing that were denied on the basis
19 of a criminal history record, if the Authority is
20 conducting criminal history records checks of applicants
21 or other household members;

22 (4) the number of criminal records assessment hearings
23 requested by applicants for housing who were denied

1 federally assisted housing on the basis of a criminal
2 history records check; and

3 (5) the number of denials for federally assisted
4 housing that were overturned after a criminal records
5 assessment hearing.

6 ~~(b)~~ The information required in this subsection ~~Section~~
7 shall be disaggregated by the race, ethnicity, and sex of
8 applicants for housing.

9 (b) Every Authority organized under the provisions of this
10 Act shall collect the following data:

11 (1) the number of vacant rental units within each
12 housing project operated by the Authority; and

13 (2) information on whether each waiting list
14 maintained by the Authority is open or closed.

15 (c) The information collected under subsections (a) and

16 (b) This information shall be reported to the Illinois
17 Criminal Justice Information Authority and shall be compiled
18 and reported to the General Assembly annually by the Illinois
19 Criminal Justice Information Authority. The Illinois Criminal
20 Justice Information Authority shall also make this report
21 publicly available, including on its website, without fee.

22

23 (Source: P.A. 101-659, eff. 3-23-21.)

24 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

25 Sec. 17. Definitions. The following terms, wherever used

1 or referred to in this Act shall have the following respective
2 meanings, unless in any case a different meaning clearly
3 appears from the context:

4 (a) "Authority" or "housing authority" shall mean a
5 municipal corporation organized in accordance with the
6 provisions of this Act for the purposes, with the powers and
7 subject to the restrictions herein set forth.

8 (b) "Area" or "area of operation" shall mean: (1) in the
9 case of an authority which is created hereunder for a city,
10 village, or incorporated town, the area within the territorial
11 boundaries of said city, village, or incorporated town, and so
12 long as no county housing authority has jurisdiction therein,
13 the area within three miles from such territorial boundaries,
14 except any part of such area located within the territorial
15 boundaries of any other city, village, or incorporated town;
16 and (2) in the case of a county shall include all of the county
17 except the area of any city, village or incorporated town
18 located therein in which there is an Authority. When an
19 authority is created for a county subsequent to the creation
20 of an authority for a city, village or incorporated town
21 within the same county, the area of operation of the authority
22 for such city, village or incorporated town shall thereafter
23 be limited to the territory of such city, village or
24 incorporated town, but the authority for such city, village or
25 incorporated town may continue to operate any project
26 developed in whole or in part in an area previously a part of

1 its area of operation, or may contract with the county housing
2 authority with respect to the sale, lease, development or
3 administration of such project. When an authority is created
4 for a city, village or incorporated town subsequent to the
5 creation of a county housing authority which previously
6 included such city, village or incorporated town within its
7 area of operation, such county housing authority shall have no
8 power to create any additional project within the city,
9 village or incorporated town, but any existing project in the
10 city, village or incorporated town currently owned and
11 operated by the county housing authority shall remain in the
12 ownership, operation, custody and control of the county
13 housing authority.

14 (b-5) "Criminal history record" means a record of arrest,
15 complaint, indictment, or any disposition arising therefrom.

16 (b-6) "Criminal history report" means any written, oral,
17 or other communication of information that includes criminal
18 history record information about a natural person that is
19 produced by a law enforcement agency, a court, a consumer
20 reporting agency, or a housing screening agency or business.

21 (c) "Presiding officer" shall mean the presiding officer
22 of the board of a county, or the mayor or president of a city,
23 village or incorporated town, as the case may be, for which an
24 Authority is created hereunder.

25 (d) "Commissioner" shall mean one of the members of an
26 Authority appointed in accordance with the provisions of this

1 Act.

2 (e) "Government" shall include the State and Federal
3 governments and the governments of any subdivisions, agency or
4 instrumentality, corporate or otherwise, of either of them.

5 (f) "Department" shall mean the Department of Commerce and
6 Economic Opportunity.

7 (g) "Project" shall include all lands, buildings, and
8 improvements, acquired, owned, leased, managed or operated by
9 a housing authority, and all buildings and improvements
10 constructed, reconstructed or repaired by a housing authority,
11 designed to provide housing accommodations and facilities
12 appurtenant thereto (including community facilities and
13 stores) which are planned as a unit, whether or not acquired or
14 constructed at one time even though all or a portion of the
15 buildings are not contiguous or adjacent to one another; and
16 the planning of buildings and improvements, the acquisition of
17 property, the demolition of existing structures, the clearing
18 of land, the construction, reconstruction, and repair of
19 buildings or improvements and all other work in connection
20 therewith. As provided in Sections 8.14 to 8.18, inclusive,
21 "project" also means, for Housing Authorities for
22 municipalities of less than 500,000 population and for
23 counties, the conservation of urban areas in accordance with
24 an approved conservation plan. "Project" shall also include:

25 (1) acquisition of:

26 (i) a slum or blighted area or a deteriorated or

1 deteriorating area which is predominantly residential
2 in character, or

3 (ii) any other deteriorated or deteriorating area
4 which is to be developed or redeveloped for
5 predominantly residential uses, or

6 (iii) platted urban or suburban land which is
7 predominantly open and which because of obsolete
8 platting, diversity of ownership, deterioration of
9 structures or of site improvements, or otherwise
10 substantially impairs or arrests the sound growth of
11 the community and which is to be developed for
12 predominantly residential uses, or

13 (iv) open unplatted urban or suburban land
14 necessary for sound community growth which is to be
15 developed for predominantly residential uses, or

16 (v) any other area where parcels of land remain
17 undeveloped because of improper platting, delinquent
18 taxes or special assessments, scattered or uncertain
19 ownerships, clouds on title, artificial values due to
20 excessive utility costs, or any other impediments to
21 the use of such area for predominantly residential
22 uses;

23 (2) installation, construction, or reconstruction of
24 streets, utilities, and other site improvements essential
25 to the preparation of sites for uses in accordance with
26 the development or redevelopment plan; and

1 (3) making the land available for development or
2 redevelopment by private enterprise or public agencies
3 (including sale, initial leasing, or retention by the
4 local public agency itself).

5 If, in any city, village, or incorporated town, there
6 exists a land clearance commission created under the Blighted
7 Areas Redevelopment Act of 1947 (repealed) prior to August 20,
8 2021 (the effective date of Public Act 102-510) having the
9 same area of operation as a housing authority created in and
10 for any such municipality, such housing authority shall have
11 no power to acquire land of the character described in
12 subparagraph (iii), (iv), or (v) of paragraph (1) of the
13 definition of "project" for the purpose of development or
14 redevelopment by private enterprise.

15 (h) "Community facilities" shall include lands, buildings,
16 and equipment for recreation or social assembly, for
17 education, health or welfare activities and other necessary
18 utilities primarily for use and benefit of the occupants of
19 housing accommodations to be constructed, reconstructed,
20 repaired or operated hereunder.

21 (i) "Real property" shall include lands, lands under
22 water, structures, and any and all easements, franchises and
23 incorporeal hereditaments and estates, and rights, legal and
24 equitable, including terms for years and liens by way of
25 judgment, mortgage or otherwise.

26 (j) The term "governing body" shall include the city

1 council of any city, the president and board of trustees of any
2 village or incorporated town, the council of any city or
3 village, and the county board of any county.

4 (k) The phrase "individual, association, corporation or
5 organization" shall include any individual, private
6 corporation, limited or general partnership, limited liability
7 company, insurance company, housing corporation, neighborhood
8 redevelopment corporation, non-profit corporation,
9 incorporated or unincorporated group or association,
10 educational institution, hospital, or charitable organization,
11 and any mutual ownership or cooperative organization.

12 (l) "Conservation area", for the purpose of the exercise
13 of the powers granted in Sections 8.14 to 8.18, inclusive, for
14 housing authorities for municipalities of less than 500,000
15 population and for counties, means an area of not less than 2
16 acres in which the structures in 50% or more of the area are
17 residential having an average age of 35 years or more. Such an
18 area by reason of dilapidation, obsolescence, deterioration or
19 illegal use of individual structures, overcrowding of
20 structures and community facilities, conversion of residential
21 units into non-residential use, deleterious land use or
22 layout, decline of physical maintenance, lack of community
23 planning, or any combination of these factors may become a
24 slum and blighted area.

25 (m) "Conservation plan" means the comprehensive program
26 for the physical development and replanning of a "Conservation

1 Area" as defined in paragraph (l) embodying the steps required
2 to prevent such Conservation Area from becoming a slum and
3 blighted area.

4 (n) "Fair use value" means the fair cash market value of
5 real property when employed for the use contemplated by a
6 "Conservation Plan" in municipalities of less than 500,000
7 population and in counties.

8 (o) "Community facilities" means, in relation to a
9 "Conservation Plan", those physical plants which implement,
10 support and facilitate the activities, services and interests
11 of education, recreation, shopping, health, welfare, religion
12 and general culture.

13 (p) "Loan agreement" means any agreement pursuant to which
14 an Authority agrees to loan the proceeds of its revenue bonds
15 issued with respect to a multifamily rental housing project or
16 other funds of the Authority to any person upon terms
17 providing for loan repayment installments at least sufficient
18 to pay when due all principal of, premium, if any, and interest
19 on the revenue bonds of the Authority issued with respect to
20 the multifamily rental housing project, and providing for
21 maintenance, insurance, and other matters as may be deemed
22 desirable by the Authority.

23 (q) "Multifamily rental housing" means any rental project
24 designed for mixed-income or low-income occupancy.

25 (r) "Federally assisted housing" means any housing units
26 or subsidized housing programs funded in whole or in part by

1 the federal government including all properties owned or
2 financed by a housing authority, or a subsidiary or
3 partnership in which the housing authority is a member.

4 (Source: P.A. 101-659, eff. 3-23-21; 102-510, eff. 8-20-21;
5 102-813, eff. 5-13-22.)

6 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

7 Sec. 25. Rentals and tenant selection. In the operation or
8 management of housing projects an Authority shall at all times
9 observe the following duties with respect to rentals and
10 tenant selection:

11 (a) It shall not accept any person as a tenant in any
12 dwelling in a housing project if the persons who would occupy
13 the dwelling have an aggregate annual income which equals or
14 exceeds the amount which the Authority determines (which
15 determination shall be conclusive) to be necessary in order to
16 enable such persons to secure safe, sanitary and uncongested
17 dwelling accommodations within the area of operation of the
18 Authority and to provide an adequate standard of living for
19 themselves.

20 (b) It may rent or lease the dwelling accommodations
21 therein only at rentals within the financial reach of persons
22 who lack the amount of income which it determines (pursuant to
23 (a) of this Section) to be necessary in order to obtain safe,
24 sanitary and uncongested dwelling accommodations within the
25 area of operation of the Authority and to provide an adequate

1 standard of living.

2 (c) It may rent or lease to a tenant a dwelling consisting
3 of the number of rooms (but no greater number) which it deems
4 necessary to provide safe and sanitary accommodations to the
5 proposed occupants thereof, without overcrowding.

6 (d) It shall not change the residency preference of any
7 prospective tenant once the application has been accepted by
8 the authority.

9 (e) If an Authority desires a criminal history records
10 check of all 50 states or a 50-state confirmation of a
11 conviction record, the Authority shall submit the fingerprints
12 of the relevant applicant, tenant, or other household member
13 to the Illinois State Police in a manner prescribed by the
14 Illinois State Police. These fingerprints shall be checked
15 against the fingerprint records now and hereafter filed in the
16 Illinois State Police and Federal Bureau of Investigation
17 criminal history records databases. The Illinois State Police
18 shall charge a fee for conducting the criminal history records
19 check, which shall be deposited in the State Police Services
20 Fund and shall not exceed the actual cost of the records check.
21 The Illinois State Police shall furnish pursuant to positive
22 identification, records of conviction to the Authority. An
23 Authority that requests a criminal history report of an
24 applicant or other household member shall inform the applicant
25 at the time of the request that the applicant or other
26 household member may provide additional mitigating information

1 for consideration with the application for housing.

2 (e-5) Criminal history record assessment. The Authority
3 shall use the following process when evaluating the criminal
4 history report of an applicant or other household member to
5 determine whether to rent or lease to the applicant:

6 (1) Unless required by federal law, the Authority
7 shall not consider the following information when
8 determining eligibility for federally assisted housing
9 ~~whether to rent or lease to an applicant for housing:~~

10 (A) an arrest or detention;

11 (B) criminal charges or indictments, and the
12 nature of any disposition arising therefrom, that do
13 not result in a conviction;

14 (C) a conviction that has been vacated, ordered,
15 expunged, sealed, or impounded by a court;

16 (D) matters under the jurisdiction of the Illinois
17 Juvenile Court;

18 (E) the amount of time since the applicant or
19 other household member completed his or her sentence
20 in prison or jail or was released from prison or jail;
21 or

22 (F) convictions occurring more than 180 days prior
23 to the date the applicant's ~~applicant submitted his or~~
24 ~~her~~ application for housing is reviewed for
25 acceptance.

26 (2) The Authority shall create a system for the

1 independent review of criminal history reports:

2 (A) the reviewer shall examine the applicant's or
3 other household member's criminal history report and
4 report only those records not prohibited under
5 paragraph (1) to the person or persons making the
6 decision about whether to offer federally assisted
7 housing to the applicant; and

8 (B) the reviewer shall not participate in any
9 final decisions on an applicant's application for
10 federally assisted housing.

11 (3) The Authority may deny an applicant's application
12 for federally assisted housing because of the applicant's
13 or another household member's criminal history record,
14 only if the Authority:

15 (A) determines that the denial is required under
16 federal law; or

17 (B) determines that there is a direct relationship
18 between the applicant or the other household member's
19 criminal history record and a risk to the health,
20 safety, and peaceful enjoyment of fellow tenants. The
21 mere existence of a criminal history record does not
22 demonstrate such a risk.

23 (f) It may, if a tenant has created or maintained a threat
24 constituting a serious and clear danger to the health or
25 safety of other tenants or Authority employees, after 3 days'
26 written notice of termination and without a hearing, file suit

1 against any such tenant for recovery of possession of the
2 premises. The tenant shall be given the opportunity to contest
3 the termination in the court proceedings. A serious and clear
4 danger to the health or safety of other tenants or Authority
5 employees shall include, but not be limited to, any of the
6 following activities of the tenant or of any other person on
7 the premises with the consent of the tenant:

8 (1) Physical assault or the threat of physical
9 assault.

10 (2) Illegal use of a firearm or other weapon or the
11 threat to use in an illegal manner a firearm or other
12 weapon.

13 (3) Possession of a controlled substance by the tenant
14 or any other person on the premises with the consent of the
15 tenant if the tenant knew or should have known of the
16 possession by the other person of a controlled substance,
17 unless the controlled substance was obtained directly from
18 or pursuant to a valid prescription.

19 (4) Streetgang membership as defined in the Illinois
20 Streetgang Terrorism Omnibus Prevention Act.

21 The management of low-rent public housing projects
22 financed and developed under the U.S. Housing Act of 1937
23 shall be in accordance with that Act.

24 Nothing contained in this Section or any other Section of
25 this Act shall be construed as limiting the power of an
26 Authority to vest in a bondholder or trustee the right, in the

1 event of a default by the Authority, to take possession and
2 operate a housing project or cause the appointment of a
3 receiver thereof, free from all restrictions imposed by this
4 Section or any other Section of this Act.

5 (Source: P.A. 101-659, eff. 3-23-21; 102-538, eff. 8-20-21;
6 102-813, eff. 5-13-22.)

7 (310 ILCS 10/25.01)

8 Sec. 25.01. Notification. Before denying an applicant's
9 federally assisted housing application based, in whole or in
10 part, on a criminal history record permitted under this Act,
11 the Authority shall provide the opportunity for an individual
12 assessment. The applicant for federally assisted housing shall
13 be provided with a clear, written notice that:

14 (1) explains why the Authority has determined that the
15 criminal history report it obtained requires further
16 review, including detailed information on whether the need
17 for further review is based on federal law or on the
18 Authority's determination that the criminal history record
19 of the applicant or other household member indicates a
20 risk to the health, safety, or peaceful enjoyment of
21 housing for other residents;

22 (2) identifies the specific conviction or convictions
23 upon which the Authority relied upon when making its
24 decision to deny the applicant's federally assisted
25 housing application;

1 (3) explains that the applicant has a right to an
2 individualized criminal records assessment hearing
3 regarding the Authority's decision to deny the applicant's
4 federally assisted housing application, as set forth in
5 Section 25.02;

6 (4) provides clear instructions on what to expect
7 during an individualized criminal records assessment
8 hearing, as set forth in Section 25.02;

9 (5) explains that if the applicant chooses not to
10 participate in an individualized criminal records
11 assessment hearing, the applicant's application will be
12 denied; and

13 (6) provides a copy of the criminal history report the
14 Authority used to make its determination.

15 (Source: P.A. 101-659, eff. 3-23-21.)

16 (310 ILCS 10/25.02)

17 Sec. 25.02. Criminal records assessment hearing.

18 (a) An applicant has the right to an individualized
19 criminal records assessment hearing if the applicant's
20 application for federally assisted housing requires further
21 review because of the applicant's or another household
22 member's criminal history record. The individualized criminal
23 records assessment hearing shall allow the applicant or other
24 household member to:

25 (1) contest the accuracy of the criminal history

1 record;

2 (2) contest the relevance of the criminal history
3 record to the Authority's decision to deny the applicant's
4 application for federally assisted housing; and

5 (3) provide mitigating evidence concerning the
6 applicant's or other household member's criminal
7 conviction or evidence of rehabilitation.

8 (b) The Authority shall not rent or lease to any other
9 person the available federally assisted housing unit that is
10 the subject of the applicant's individualized criminal records
11 assessment hearing until after the Authority has issued a
12 final ruling.

13 (c) The Authority shall adopt rules for criminal records
14 assessment hearings in accordance with Article 10 of the
15 Illinois Administrative Procedure Act.

16 (Source: P.A. 101-659, eff. 3-23-21.)