

1 AN ACT in relation to 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 Section 3 as follows:

6 (310 ILCS 10/3) (from Ch. 67 1/2, par. 3)

7 Sec. 3. The governing body of any city, village or
8 incorporated town having more than 25,000 inhabitants, or of
9 any county of this State, may, by resolution, determine that
10 there is need for a housing authority in the city, village,
11 incorporated town or county. Upon adoption, the resolution
12 shall be forwarded to the Department together with a
13 statement of reasons or findings supporting the resolution.
14 The Department shall thereupon issue a certificate to the
15 presiding officer of the city, village, incorporated town or
16 county for the creation of an authority if it shall find (a)
17 that unsanitary or unsafe inhabited dwelling accommodations
18 exist in the city, village, incorporated town or county, and
19 (b) that there is a shortage of safe or sanitary and
20 affordable dwelling accommodations in the city, village,
21 incorporated town or county available to persons who lack the
22 amount of income which is necessary (as determined by the
23 Department) to enable them without financial assistance to
24 live in decent, safe and sanitary and affordable dwellings
25 without over-crowding. In determining whether dwelling
26 accommodations are unsafe or unsanitary the Department may
27 take into consideration the degree of over-crowding, the
28 percentage of land coverage, the light, air, space and access
29 available to the inhabitants of such dwelling accommodations,
30 the size and arrangement of the rooms, the sanitary
31 facilities and the extent to which conditions exist in the

1 buildings which endanger life or property by fire or other
2 causes. In making its determination, the Department may also
3 consider whether or not the needs of the applicant are
4 currently being met by an existing housing authority. The
5 Department may also take into consideration whether or not
6 the creation of a new housing authority would be an
7 unnecessary duplication of services.

8 As soon as possible after the issuance of a certificate
9 by the Department the presiding officer of the city, village,
10 incorporated town or county shall appoint, with the approval
11 of the governing body of the unit of local government, 5
12 commissioners with initial terms of 1, 2, 3, 4, and 5 years,
13 except as follows:

14 (i) for the Housing Authority in any municipality
15 having over 500,000 inhabitants, the presiding officer
16 shall appoint 7 commissioners, with initial terms of 4
17 and 5 years for the 2 additional commissioners authorized
18 and appointed under this amendatory Act of 1982, and the
19 presiding officer shall designate one commissioner as
20 Chairman of the Authority; and

21 (ii) if a county has at least 80,000 but fewer than
22 90,000 inhabitants according to the 1990 federal
23 decennial census, then the Housing Authority in any
24 municipality in the county may have 7 commissioners
25 appointed by the presiding officer of the municipality,
26 with initial terms of 4 and 5 years for the 2 additional
27 commissioners authorized and appointed in accordance with
28 this amendatory Act of 1993;

29 (iii) if a county has at least 170,000 but fewer
30 than 500,000 inhabitants, according to the 1990 Federal
31 decennial census, then the county board may, with respect
32 to one or more commissioners, cede powers of appointment,
33 confirmation, and removal of those commissioners to one
34 or more municipalities within the county by

1 intergovernmental agreement; and

2 (iv) for any Housing Authority the presiding
3 officer may appoint 7 commissioners, with initial terms
4 of 4 and 5 years for the 2 additional commissioners
5 authorized and appointed under this amendatory Act of the
6 91st General Assembly.

7 In cases where a county of more than 500,000 but less
8 than 3 million population is the area of operation of an
9 Authority, the presiding officer of the county board of the
10 county shall appoint 7 commissioners to the housing
11 authority, 2 of whom may be members of that county board.
12 The county members appointed to the Authority under this
13 Section shall serve such term or until termination of their
14 county board service, whichever first occurs. Upon the
15 approval by the governing body of the appointments, the
16 presiding officer shall cause a certificate of such
17 appointments and of its approval thereof to be filed in the
18 office in which deeds of property in the area of operation
19 are recorded, and upon filing the persons so appointed and
20 approved shall be fully constituted an Authority.

21 At the expiration of the term of each commissioner, and
22 of each succeeding commissioner, or in the event of a
23 vacancy, the presiding officer shall appoint a commissioner,
24 subject to the approval of the governing body as aforesaid,
25 to hold office, in the case of a vacancy for the unexpired
26 term, or in the case of expiration for a term of five years,
27 or until his successor shall have been appointed and
28 qualified. Each appointment shall be effective upon the
29 filing by the presiding officer of a certificate of
30 appointment in the office of the Recorder of Deeds in the
31 County where the Authority is located.

32 In case a county is the area of operation of an
33 Authority, the area shall not be deemed to include any city,
34 village, or incorporated town within the county within which

1 an Authority at that time exists. If thereafter an Authority
2 is organized with respect to any city, village, or
3 incorporated town within the county, the county Authority
4 shall have no power to initiate any further project within
5 the city, village, or incorporated town. However, if there
6 are any existing projects within the city, village or
7 incorporated town currently owned and operated by the county
8 Authority they shall remain in the county Authority's
9 ownership, custody and control.

10 Every commissioner shall be a resident of the area of
11 operation of the Authority; provided, that in respect to an
12 Authority created for a county, residence in any city,
13 village or incorporated town within such county shall not be
14 a disqualification for appointment as a Commissioner for such
15 county Authority notwithstanding that such city, village or
16 incorporated town may be excluded from the area of operation
17 of such Authority. Any public officer shall be eligible to
18 serve as a commissioner, and the acceptance of appointment as
19 such shall not terminate nor impair his public office, the
20 provision of any statute to the contrary notwithstanding; but
21 no member of the Department shall be eligible to serve as a
22 commissioner, nor shall more than two public officers be
23 commissioners of the same Authority at one time; Provided,
24 that membership on any Authority at the same time of more
25 than two public officers shall not affect or impair the
26 validity of any Act undertaken or power exercised by the
27 Authority pursuant to Law. The term "public officer" as
28 herein used means a person holding a state or local
29 governmental office required to be filled by the vote of
30 electors, and for which provision is made by law for the
31 payment of annual compensation from public funds.

32 Except as otherwise provided, all provisions of this Act
33 shall apply to a Housing Authority established for more than
34 one county, and, unless the context shall otherwise indicate,

1 the word county shall be construed also to mean counties. An
2 Authority may subsequently be established separately for any
3 one or more counties, by compliance with the terms of this
4 Act, and, if an Authority is established, it shall take over
5 all property and obligations, within the county or counties,
6 of the Authority previously including it or them within its
7 area of operation, and the Authority shall have no further
8 jurisdiction within the territory of the county or counties,
9 but nothing herein shall affect the power of a Housing
10 Authority to operate outside its area of operation, as
11 provided by Section 30. Subsection (b) of Section 17 shall
12 apply to a Housing Authority created under the provisions of
13 this Section. In all cases in which a Housing Authority
14 embraces the territory of more than one county, each county
15 shall have, within its territory, the powers conferred by
16 Section 29, and by the Housing Cooperation Law.

17 In addition to the commissioners provided for in this
18 Section, there are created 3 additional commissioner
19 positions for each housing authority of a municipality of
20 more than 1,000,000 inhabitants. Two of these new
21 commissioners, with initial terms of 5 years, shall be
22 appointed from current residents of the housing authority and
23 shall be appointed from a list presented to the appointing
24 authority by official tenants' associations of residents of
25 the housing authority. A tenants' association is "official"
26 if it satisfies the requirements of a Resident
27 Council/Resident Organization/Resident Management
28 Organization established by the federal Department of Housing
29 and Urban Development. The third new commissioner shall be
30 appointed by the appointing authority from the officers of
31 the official tenants' associations of residents of the
32 housing authority. The term of this new commissioner shall
33 commence no later than 90 days after the election of the
34 officers of the official tenants' associations of residents

1 and after appointment by the appointing authority and shall
2 terminate after the appointment of a new commissioner by the
3 appointing authority. This paragraph shall not apply to
4 housing authorities in jurisdictions where no official
5 tenants' associations exist. However, upon the creation of
6 an official association, the new commissioner positions shall
7 be created 6 months thereafter.

8 Each tenants' association shall determine the method of
9 choosing residents to be recommended for appointment.
10 Tenants' associations may act in unison in recommending
11 residents for appointment.

12 In units of local government of more than 1,000,000
13 inhabitants, each tenants' association shall submit not more
14 than 2 residents for consideration. If associations act in
15 unison, they may submit a number representing 2 names for
16 each association. The appointing authority shall make the
17 appointments within 45 days of receiving the recommendations.

18 A Housing Authority created under the preceding terms of
19 this Section shall be designated as the Housing Authority of
20 the city, village, incorporated town, county, or of the
21 several counties within its area of operation.

22 Any 2 or more home rule municipalities within the same
23 county may create a housing authority by intergovernmental
24 agreement. The agreement shall be for an indefinite
25 duration. If a housing authority is created by 2 or more
26 home rule municipalities under this paragraph, appointments
27 and confirmation of commissioners to the board and removal of
28 commissioners from the board shall be made as set forth in
29 the agreement. The agreement may include, in addition to
30 other terms and conditions governing the operation of the
31 board, provisions that increase the number of commissioners
32 otherwise authorized by this Act to a number no greater than
33 9. The agreement also may provide for staggered terms for
34 the commissioners and for the length of the commissioners'

1 initial terms. An intergovernmental agreement between 2 or
2 more home rule municipalities creating a housing authority
3 may include other terms the municipalities deem desirable.
4 The terms may include reporting and oversight requirements
5 binding on the housing authority board agreed upon by the
6 parties. This paragraph shall not be construed as a
7 limitation on home rule municipalities.
8 (Source: P.A. 91-218, eff. 7-20-99.)