

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.)