



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

310 ILCS 10/25

from Ch. 67 1/2, par. 25

Amends the Housing Authorities Act. Provides that a housing authority may refuse to certify or recertify applicants, current tenants, or other household members (instead of refuse to renew the tenancy of any person) under certain conditions, including a person's conviction of a criminal offense relating to the sale or distribution of controlled substances. Eliminates a provision concerning confirmation of conviction data by a fingerprint-based criminal history records check, and provides instead that if a housing authority desires a criminal history records check of all 50 states or a 50-state confirmation of a conviction record, the authority shall submit the fingerprints of the relevant applicant, tenant, or other household member to the Department of State Police in a manner prescribed by the Department of State Police. Effective immediately.

LRB093 21040 DRJ 47058 b

FISCAL NOTE ACT
MAY APPLY

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 Section 25 as follows:

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 tenant
10 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
26 standard of living.

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

31 (d) It shall not change the residency preference of any
32 prospective tenant once the application has been accepted by

1 the authority.

2 (e) It may refuse to certify or recertify applicants,
3 current tenants, or other household members ~~renew the tenancy~~
4 ~~of any person~~ if, after due notice and an impartial hearing,
5 that person or any of the proposed occupants of the dwelling
6 has, prior to or during a term of tenancy or occupancy in any
7 housing project operated by an Authority, been convicted of a
8 criminal offense relating to the sale or distribution of
9 controlled substances under the laws of this State, the United
10 States or any other state. If an Authority desires a criminal
11 history records check of all 50 states or a 50-state
12 confirmation of a conviction record, the Authority shall submit
13 the fingerprints of the relevant applicant, tenant, or other
14 household member to the Department of State Police in a manner
15 prescribed by the Department of State Police. ~~Confirmation of~~
16 ~~conviction data shall be determined by a fingerprint based~~
17 ~~criminal history records check. In such cases, the tenant or~~
18 ~~proposed occupant to whom the disqualifying conviction record~~
19 ~~belongs shall have his or her fingerprints submitted to the~~
20 ~~Department of State Police in the form and manner prescribed by~~
21 ~~the Department of State Police.~~ These fingerprints shall be
22 checked against the fingerprint records now and hereafter filed
23 in the Department of State Police and Federal Bureau of
24 Investigation criminal history records databases. The
25 Department of State Police shall charge a fee for conducting
26 the criminal history records check, which shall be deposited in
27 the State Police Services Fund and shall not exceed the actual
28 cost of the records check. The Department of State Police shall
29 furnish pursuant to positive identification, records of
30 conviction to the Authority.

31 (f) It may, if a tenant has created or maintained a threat
32 constituting a serious and clear danger to the health or safety
33 of other tenants or Authority employees, after 3 days' written
34 notice of termination and without a hearing, file suit against
35 any such tenant for recovery of possession of the premises. The
36 tenant shall be given the opportunity to contest the

1 termination in the court proceedings. A serious and clear
2 danger to the health or safety of other tenants or Authority
3 employees shall include, but not be limited to, any of the
4 following activities of the tenant or of any other person on
5 the premises with the consent of the tenant:

6 (1) Physical assault or the threat of physical assault.

7 (2) Illegal use of a firearm or other weapon or the
8 threat to use in an illegal manner a firearm or other
9 weapon.

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

16 (4) Streetgang membership as defined in the Illinois
17 Streetgang Terrorism Omnibus Prevention Act.

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

21 Nothing contained in this Section or any other Section of
22 this Act shall be construed as limiting the power of an
23 Authority to vest in a bondholder or trustee the right, in the
24 event of a default by the Authority, to take possession and
25 operate a housing project or cause the appointment of a
26 receiver thereof, free from all restrictions imposed by this
27 Section or any other Section of this Act.

28 (Source: P.A. 93-418, eff. 1-1-04.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.