



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1189

Introduced 02/08/11, by Rep. Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

310 ILCS 10/8.4	from Ch. 67 1/2, par. 8.4
310 ILCS 10/8.10	from Ch. 67 1/2, par. 8.10
310 ILCS 10/8.21	from Ch. 67 1/2, par. 8.21
310 ILCS 10/8.22	
310 ILCS 10/9	from Ch. 67 1/2, par. 9
310 ILCS 10/30	from Ch. 67 1/2, par. 27c
310 ILCS 10/8.11 rep.	

Amends the Housing Authorities Act. Requires every Housing Authority located in a municipality of less than 1,000,000 inhabitants (rather than every Housing Authority) to present as part of its annual report specified financial statements detailing expenditures and disbursements for each housing project. Requires housing authorities located in municipalities of more than 1,000,000 inhabitants to compile information required under the Act under regulations prescribed by the Department of Housing and Urban Development and to make such information available to the public upon request. Repeals a provision requiring the housing authorities to submit these statements to their respective city councils not later than three months following the close of the preceding fiscal year of the authorities. Provides that exemptions to federal, State, or local requirements may be granted to a Housing Authority in the form of Waivers, Exclusions, Public Notices, Executive Orders, or moving to Work Agreements approved by the U.S. Department of Housing and Urban Development. Makes a provision concerning tenant-income exclusions inapplicable to specified Housing programs. Makes other changes. Effective immediately.

LRB097 05482 KTG 45542 b

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 8.4, 8.10, 8.21, 8.22, 9, and 30 as follows:

6 (310 ILCS 10/8.4) (from Ch. 67 1/2, par. 8.4)

7 Sec. 8.4. An Authority has power to borrow money upon its
8 bonds, notes, debentures, or other evidences of indebtedness
9 and to secure the same by pledges of its revenues, or in any
10 other manner, and in connection with any loan by a government,
11 to agree to limitations upon the exercise of any powers
12 conferred upon the Authority by this Act; to invest any funds
13 held in reserves or sinking funds, or in any funds not required
14 for immediate disbursement in State or Federal securities; to
15 make grants, loans, and advances on such terms as the Authority
16 shall determine, ~~subject to the approval of the Department,~~ to
17 any non-profit corporation referred to in Section 9 in order to
18 assist such non-profit corporation in planning, preparing,
19 constructing, reconstructing or improving housing to provide
20 an additional supply of decent, safe and sanitary dwellings.

21 (Source: P.A. 81-1509.)

22 (310 ILCS 10/8.10) (from Ch. 67 1/2, par. 8.10)

1 Sec. 8.10. As a part of its annual report, every Housing
2 Authority located in a municipality of less than 1,000,000
3 inhabitants shall present statements setting forth for each
4 project of the Housing Authority a balance sheet, a classified
5 statement of revenues and expenditures and of receipts and
6 disbursements and a surplus statement, and also a consolidated
7 balance sheet and consolidated classified statements of
8 revenues and expenditures, and of receipts and disbursements
9 and a surplus statement reflecting the financial status and
10 condition of the Housing Authority as a whole as of the close
11 of the immediately preceding fiscal year. All statements shall
12 be made separately for bond interest and retirement, capital
13 and operating accounts. The report for the Housing Authority in
14 any municipality containing over 500,000 inhabitants shall
15 also include a separate statement setting out the total amount
16 of rent received for, and the amount of money expended on, each
17 housing project as that term is defined in Section 17 (g) of
18 this Act under the jurisdiction of the Housing Authority and
19 shall also include a complete schedule of salaries in effect on
20 the date of the report and to whom such salaries are paid. The
21 report for Housing Authorities other than those in
22 municipalities containing over 500,000 inhabitants shall
23 include a separate statement setting out in detail the exact
24 amount of rent received for, and the amount of money expended
25 on, each housing project as that term is defined in Section 17
26 (g) of this Act under the jurisdiction of the Housing Authority

1 and shall also include a complete schedule of the salaries in
2 effect on the date of the report and to whom salaries are being
3 paid. All statements shall be made separately for bond interest
4 and retirement, capital and operating accounts. The annual
5 report of every Housing Authority shall also include the amount
6 or amounts of service charge or charges paid or proffered to
7 the County Collector or to the appropriate officer or officers,
8 of any municipal corporation in lieu of normal real estate
9 taxes, identified to show the year or years and project or
10 projects for which payment was made or proffered. The
11 requirements of this Section can be fulfilled by the filing of
12 an annual certified audit conducted in accordance with federal
13 Housing and Urban Development requirements with the presiding
14 officers and legislative authorities of the city, village,
15 incorporated town or county.

16 In addition to all other information required herein, the
17 Housing Authority in any municipality or county containing over
18 500,000 inhabitants shall prepare and maintain a summary
19 tabulation for each project for the period covered by the
20 annual report showing the number of and size of individual
21 housing accommodations; the number of units occupied by
22 families in the various income groups; the total number of
23 persons; the age group of the head of the household of
24 move-ins; the number of persons comprising the household; the
25 rent schedules for determining contract rents; and the number
26 of workers per family moving in; the year of admission of

1 families to public housing; the number of move-ins with the
2 size of family; income groups of families moving in; size of
3 unit occupied by families moving in or out; and information as
4 to family composition; and information as to number of families
5 receiving public assistance or social security benefits.

6 For housing authorities located in municipalities of more
7 than 1,000,000 inhabitants, information required by this
8 Section shall be compiled under regulations prescribed by the
9 Department of Housing and Urban Development and shall be made
10 available to the public upon request.

11 All housing authority annual reports containing
12 information required by this Section shall be a matter of
13 public record and shall be made available by the Housing
14 Authority, upon request, in a manner prescribed by the federal
15 Freedom of Information Act ~~on request, at any reasonable time~~
16 ~~without fee or reward.~~

17 (Source: P.A. 87-200.)

18 (310 ILCS 10/8.21) (from Ch. 67 1/2, par. 8.21)

19 Sec. 8.21. In determining the income of tenants for the
20 purpose of determining rent, the Housing Authority shall comply
21 with all federal housing statutes and regulations of the U.S.
22 Department of Housing and Urban Development.

23 Exemptions to federal, State, or local requirements may be
24 granted to a Housing Authority in the form of Waivers,
25 Exclusions, Public Notices, Executive Orders, or Moving to Work

1 Agreements approved by the U.S. Department of Housing and Urban
2 Development.

3 (Source: P.A. 86-789; 87-200.)

4 (310 ILCS 10/8.22)

5 Sec. 8.22. Determination of income.

6 (a) Exclusions from income. In determining the income of a
7 tenant for the purpose of determining rent, the Housing
8 Authority shall exclude the following as provided in subsection

9 (b):

10 (i) The amount of any income received by the tenant as
11 a result of anti-drug, anti-crime, and related security
12 initiatives conducted by the Housing Authority. Any
13 activities or income excluded under this subdivision (i)
14 must first be certified by the Housing Authority.

15 (ii) Any income earned by a tenant during the first 12
16 months of employment which follow a period of unemployment
17 of 12 or more consecutive months if:

18 (A) a period of unemployment of 12 or more
19 consecutive months or the income received within the 12
20 months prior to employment is less than 10 hours of
21 work per week at the established minimum wage; or

22 (B) the income earned during those 12 months is
23 received as a result of the tenant's participation in
24 any economic self-sufficiency or other job training
25 program; or

1 (C) the income earned during those 12 months is
2 earned by a tenant due to new employment or increased
3 earnings, during or within 6 months after receiving
4 assistance under a State program for temporary
5 assistance for needy families funded under Part A of
6 Title IV of the Social Security Act (42 U.S.C. 601 and
7 following), provided that the total amount of earned
8 income received by the tenant within the previous 6
9 months was at least \$500.

10 (b) Procedure for excluding income.

11 (i) Initial 12-month exclusion. Beginning on the first
12 date the tenant is employed or the first date the tenant's
13 family experiences an increase in annual income as
14 determined under subdivision (a) (ii) of this Section, the
15 Housing Authority must exclude the increase in annual
16 income for each month in which the increase is received,
17 but not for more than 12 months.

18 (ii) Second 12-month exclusion and phase-out. After
19 the initial 12-month exclusion period under subdivision
20 (b) (i) of this Section, the Housing Authority must exclude,
21 for each month in which the increase in income is received,
22 but not for more than 12 months, 50% of the increase in the
23 annual income that is received due to the tenant's
24 employment or the tenant's family experiencing an increase
25 in annual income under subdivision (a) (ii).

26 (iii) Maximum 48-month period for exclusions. The

1 exclusion of increases in income of an individual family
2 member as provided in subdivision (b) (i) or (b) (ii) of this
3 Section is limited to a lifetime 48-month period. The
4 exclusion applies for a maximum of 12 months for the
5 exclusion under subdivision (b) (i) and a maximum of 12
6 months for the exclusion under subdivision (b) (ii), during
7 the 48-month period starting with the beginning of the
8 initial exclusion period under subdivision (b) (i), which
9 immediately follows 12 or more months of unemployment.

10 (c) Inapplicability of income exclusions to admission
11 process. The exclusion of increases in income as a result of
12 employment under this Section for the purpose of determining
13 rent does not apply for purposes of determining eligibility for
14 admission to any housing ~~the~~ program (including determinations
15 of income eligibility and income targeting).

16 (d) Inapplicability of income exclusions to the HOME
17 Investment Partnership Program, Housing Opportunities for
18 Persons with AIDS, the Supportive Housing Program, and the
19 Housing Choice Voucher Program. The exclusion of increases in
20 income as a result of employment as provided under subsections
21 (a) and (b) of this Section is not applicable to the following
22 programs: the HOME Investment Partnership Program, Housing
23 Opportunities for Persons with AIDS, the Supportive Housing
24 Program, and the Housing Choice Voucher Program, except for a
25 tenant family member who is a person with disabilities as
26 defined in 42 U.S.C. 423.

1 (Source: P.A. 93-242, eff. 7-22-03.)

2 (310 ILCS 10/9) (from Ch. 67 1/2, par. 9)

3 Sec. 9. Whenever it shall be deemed necessary by an
4 Authority in connection with the exercise of its powers herein
5 conferred to take or acquire the fee of any real property in
6 the area of operation or any interest therein or right with
7 respect thereto, such Authority may acquire the same directly
8 or through its agent or agents from the owner or owners thereof
9 or may acquire the same by the exercise of eminent domain in
10 the manner provided by the Eminent Domain Act.

11 If any of such property is devoted to a public use it may
12 nevertheless be acquired, provided that no property belonging
13 to a government may be acquired without its consent and that no
14 property belonging to a corporation subject to the jurisdiction
15 of the Illinois Commerce Commission may be acquired without the
16 approval of the Illinois Commerce Commission.

17 The power of eminent domain shall apply not only to
18 improved or unimproved property which may be acquired for or as
19 an incident to the development or operation of a project or
20 projects, but also to: (a) any improved or unimproved property
21 the acquisition of which is necessary or appropriate for the
22 rehabilitation or redevelopment of any blighted or slum area,
23 or (b) any improved or unimproved property which the Authority
24 may require to carry out the provisions of this Act. Such power
25 may be exercised by the Housing Authority on its own initiative

1 or as an agent of the city, village, incorporated town, county
2 or counties, or any government, or for the purpose of sale or
3 lease to: (a) a housing corporation operating under "An Act in
4 relation to housing", approved July 12, 1933, as amended; (b)
5 neighborhood redevelopment corporations operating under the
6 "Neighborhood Redevelopment Corporation Law", approved July 9,
7 1941, as amended; (c) insurance companies operating under
8 Section 125a of the "Illinois Insurance Code", approved June
9 29, 1937, as amended; (d) non-profit corporations organized for
10 the purpose of constructing, managing and operating housing
11 projects and for the improvement of housing conditions,
12 including the rental or sale of housing units to persons in
13 need thereof; or to any other individual, association or
14 corporation desiring to engage in a development or
15 redevelopment project.

16 For housing authorities located within municipalities
17 having a population less than 1,000,000, no ~~no~~ sale or lease
18 shall be made hereunder to any of the aforesaid corporations,
19 associations or individuals unless a plan has been approved by
20 the Authority and the Department for the development or
21 redevelopment of such property and unless the purchaser or
22 lessee furnishes the Authority a bond, with satisfactory
23 sureties, in an amount not less than 10% of the cost of such
24 development or redevelopment, conditioned on the completion of
25 such development or redevelopment in accordance with the
26 approved plan; provided that the requirement of the bond may be

1 waived by the Department if it is satisfied of the financial
2 ability of the purchaser or lessee to complete such development
3 or redevelopment in accordance with the approved plan. To
4 further assure that the real property so sold or leased shall
5 be used in accordance with the plan, the Department may require
6 the purchaser or lessee to execute in writing such undertakings
7 as the Department deems necessary to obligate such purchaser or
8 lessee (1) to use the property for the purposes presented in
9 plans; (2) to commence and complete the building of the
10 improvements designated in the plan within the periods of time
11 that the Department fixes as reasonable; and (3) to comply with
12 such other conditions as are necessary to carry out the purpose
13 of this Act. Any such property may be sold pursuant to this
14 section for any legal consideration in an amount to be approved
15 by the Department.

16 If the area of operation of a housing authority includes a
17 city, village or incorporated town having a population in
18 excess of 500,000 as determined by the last preceding Federal
19 census, no real property or interest in real property shall be
20 acquired in such municipality by the housing authority until
21 such time as the housing authority has advised the governing
22 body of such municipality of the description of the real
23 property, or interest therein, proposed to be acquired, and the
24 governing body of the municipality has approved the acquisition
25 thereof by the housing authority.

26 A "blighted or slum area" means any area of not less, in

1 the aggregate, than one acre, excepting that in any
2 municipality having a population in excess of 500,000, as
3 determined by the last preceding Federal census, a "blighted or
4 slum area" means any area of not less in the aggregate of 2
5 acres which area, in either case, has been designated by
6 municipal ordinance or by the Authority as an integrated
7 project for rehabilitation, development or redevelopment,
8 where (a) buildings or improvements, by reason of dilapidation,
9 obsolescence, overcrowding, faulty arrangement or design, lack
10 of ventilation, light or sanitary facilities, excessive land
11 coverage, deleterious land use or layout or any combination of
12 these factors, are a detriment to public safety, health or
13 morals, or welfare, or (b) there exists platted land which is
14 predominantly open and which, because of obsolete platting,
15 diversity of ownership, deterioration of structures or of site
16 improvements, or otherwise substantially impairs or arrests
17 the sound growth of the community and which is to be developed
18 for predominantly residential uses, or (c) there exists open
19 unplatted land necessary for sound community growth which is to
20 be developed for predominantly residential uses, or (d) parcels
21 of land remain undeveloped because of improper platting,
22 delinquent taxes or special assessments, scattered or
23 uncertain ownerships, clouds on title, artificial values due to
24 excessive utility costs, or any other impediment to the use of
25 such area for predominantly residential uses; provided, that if
26 in any city, village or incorporated town there exists a land

1 clearance commission, created under the "Blighted Areas
2 Redevelopment Act of 1947", having the same area of operation
3 as a housing authority created in and for any such
4 municipality, such housing authority shall have no power to
5 acquire land of the character described in sub-paragraphs (b),
6 (c) or (d) of the definition of "blighted or slum area", in
7 this paragraph for the purpose of development or redevelopment
8 by private enterprise.

9 The Housing Authority shall have power to hold or use any
10 such property for uses authorized by this Act, or to sell,
11 lease or exchange such property as is not required for such
12 uses by the Authority. In case of sale or lease to other than a
13 public corporation or public agency, notice shall be given and
14 bids shall be received in the manner provided by Section
15 11-76-2 of the Illinois Municipal Code, as amended, and bids
16 may be accepted by vote of three of the five Commissioners of
17 the Authority; provided, however, that such requirement of
18 notice and bidding shall not apply to a sale or lease to any
19 individual, association or corporation described in the
20 preceding paragraph; nor to a sale or lease of an individual
21 dwelling unit in a project, to be used by the purchaser as a
22 dwelling for his family; nor to a sale or lease of a project or
23 part thereof to an association to be so used by its members. In
24 case of exchange of property for property privately owned,
25 three disinterested appraisers shall be appointed to appraise
26 the value of the property to be exchanged, and such exchange

1 shall not be made unless the property to be received by the
2 Authority is equal or greater in value than the property to be
3 exchanged therefor, or if less than such value, that the
4 difference shall be paid in money.

5 (Source: P.A. 94-1055, eff. 1-1-07.)

6 (310 ILCS 10/30) (from Ch. 67 1/2, par. 27c)

7 Sec. 30. Housing authorities may jointly exercise any or
8 all of the powers conferred on such housing authorities, for
9 the purpose of financing, planning, undertaking, constructing
10 or operating a housing project or projects located within the
11 "area of operation" of any one or more of such housing
12 authorities; and may with respect to each other exercise any
13 powers enumerated in "An Act in relation to aid of housing
14 projects and cooperation with housing authorities and the
15 Federal government by municipal corporations, political
16 subdivisions and other public bodies of this State", filed July
17 13, 1937, as amended, in addition to powers conferred by this
18 Act.

19 A housing authority may operate outside of its area of
20 operation (1) by contract with another housing authority, or
21 (2) by contract with a state public body not within the area of
22 operation of another housing authority, ~~if the Department shall~~
23 ~~first have found a shortage of safe or sanitary dwellings~~
24 ~~within the area of such State public body, in the manner~~
25 ~~provided by Section 3 of this Act, and shall have issued a~~

1 ~~certificate to this effect to such housing authority and to~~
2 ~~such State public body.~~

3 (Source: P.A. 81-1509.)

4 (310 ILCS 10/8.11 rep.)

5 Section 10. The Housing Authorities Act is amended by
6 repealing Section 8.11.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.