



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2758

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

310 ILCS 10/25

from Ch. 67 1/2, par. 25

Amends the Housing Authorities Act. Deletes a provision that: (i) permits a Housing Authority, in the operation or management of housing projects, to refuse to certify or recertify applicants, current tenants, or other household members if, after due notice and an impartial hearing, that person or any of the proposed occupants of the dwelling has, prior to or during a term of tenancy or occupancy in any housing project operated by an Authority, been convicted of a criminal offense relating to the sale or distribution of controlled substances under the laws of this State, the United States or any other state; (ii) if an Authority desires a criminal history records check of all 50 states or a 50-state confirmation of a conviction record, requires the Housing Authority to 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; (iii) requires the Department of State Police to charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check; and (iv) requires the Department of State Police to furnish, pursuant to positive identification, records of conviction to the Authority.

LRB099 09587 KTG 29796 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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,

1 sanitary and uncongested dwelling accommodations within the
2 area of operation of the Authority and to provide an adequate
3 standard of living.

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

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

11 (e) (Blank). ~~It may refuse to certify or recertify~~
12 ~~applicants, current tenants, or other household members if,~~
13 ~~after due notice and an impartial hearing, that person or any~~
14 ~~of the proposed occupants of the dwelling has, prior to or~~
15 ~~during a term of tenancy or occupancy in any housing project~~
16 ~~operated by an Authority, been convicted of a criminal offense~~
17 ~~relating to the sale or distribution of controlled substances~~
18 ~~under the laws of this State, the United States or any other~~
19 ~~state. If an Authority desires a criminal history records check~~
20 ~~of all 50 states or a 50-state confirmation of a conviction~~
21 ~~record, the Authority shall submit the fingerprints of the~~
22 ~~relevant applicant, tenant, or other household member to the~~
23 ~~Department of State Police in a manner prescribed by the~~
24 ~~Department of State Police. These fingerprints shall be checked~~
25 ~~against the fingerprint records now and hereafter filed in the~~
26 ~~Department of State Police and Federal Bureau of Investigation~~

1 ~~riminal history records databases. The Department of State~~
2 ~~Police shall charge a fee for conducting the criminal history~~
3 ~~records check, which shall be deposited in the State Police~~
4 ~~Services Fund and shall not exceed the actual cost of the~~
5 ~~records check. The Department of State Police shall furnish~~
6 ~~pursuant to positive identification, records of conviction to~~
7 ~~the Authority.~~

8 (f) It may, if a tenant has created or maintained a threat
9 constituting a serious and clear danger to the health or safety
10 of other tenants or Authority employees, after 3 days' written
11 notice of termination and without a hearing, file suit against
12 any such tenant for recovery of possession of the premises. The
13 tenant shall be given the opportunity to contest the
14 termination in the court proceedings. A serious and clear
15 danger to the health or safety of other tenants or Authority
16 employees shall include, but not be limited to, any of the
17 following activities of the tenant or of any other person on
18 the premises with the consent of the tenant:

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

20 (2) Illegal use of a firearm or other weapon or the
21 threat to use in an illegal manner a firearm or other
22 weapon.

23 (3) Possession of a controlled substance by the tenant
24 or any other person on the premises with the consent of the
25 tenant if the tenant knew or should have known of the
26 possession by the other person of a controlled substance,

1 unless the controlled substance was obtained directly from
2 or pursuant to a valid prescription.

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

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

8 Nothing contained in this Section or any other Section of
9 this Act shall be construed as limiting the power of an
10 Authority to vest in a bondholder or trustee the right, in the
11 event of a default by the Authority, to take possession and
12 operate a housing project or cause the appointment of a
13 receiver thereof, free from all restrictions imposed by this
14 Section or any other Section of this Act.

15 (Source: P.A. 93-418, eff. 1-1-04; 93-749, eff. 7-15-04.)