

AN ACT concerning housing.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Housing Authorities Act is amended by changing Sections 8.10a, 17, 25, 25.01, and 25.02 as follows:

(310 ILCS 10/8.10a)

Sec. 8.10a. Criminal history record and housing data.

(a) Every Authority organized under the provisions of this Act shall collect the following criminal history record data:

(1) the number of applications submitted for admission to federally assisted housing;

(2) the number of applications submitted for admission to federally assisted housing by individuals with a criminal history record, if the Authority is conducting criminal history records checks of applicants or other household members;

(3) the number of applications for admission to federally assisted housing that were denied on the basis of a criminal history record, if the Authority is conducting criminal history records checks of applicants or other household members;

(4) the number of criminal records assessment hearings requested by applicants for housing who were denied

federally assisted housing on the basis of a criminal history records check; and

(5) the number of denials for federally assisted housing that were overturned after a criminal records assessment hearing.

~~(b)~~ The information required in this subsection ~~Section~~ shall be disaggregated by the race, ethnicity, and sex of applicants for housing.

(b) Every Authority organized under the provisions of this Act shall collect the following data:

(1) the number of vacant rental units within each housing project operated by the Authority; and

(2) information on whether each waiting list maintained by the Authority is open or closed.

(c) The information collected under subsections (a) and  
(b) This information shall be reported to the Illinois Criminal Justice Information Authority and shall be compiled and reported to the General Assembly annually by the Illinois Criminal Justice Information Authority. The Illinois Criminal Justice Information Authority shall also make this report publicly available, including on its website, without fee.

(Source: P.A. 101-659, eff. 3-23-21.)

(310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

Sec. 17. Definitions. The following terms, wherever used

or referred to in this Act shall have the following respective meanings, unless in any case a different meaning clearly appears from the context:

(a) "Authority" or "housing authority" shall mean a municipal corporation organized in accordance with the provisions of this Act for the purposes, with the powers and subject to the restrictions herein set forth.

(b) "Area" or "area of operation" shall mean: (1) in the case of an authority which is created hereunder for a city, village, or incorporated town, the area within the territorial boundaries of said city, village, or incorporated town, and so long as no county housing authority has jurisdiction therein, the area within three miles from such territorial boundaries, except any part of such area located within the territorial boundaries of any other city, village, or incorporated town; and (2) in the case of a county shall include all of the county except the area of any city, village or incorporated town located therein in which there is an Authority. When an authority is created for a county subsequent to the creation of an authority for a city, village or incorporated town within the same county, the area of operation of the authority for such city, village or incorporated town shall thereafter be limited to the territory of such city, village or incorporated town, but the authority for such city, village or incorporated town may continue to operate any project developed in whole or in part in an area previously a part of

its area of operation, or may contract with the county housing authority with respect to the sale, lease, development or administration of such project. When an authority is created for a city, village or incorporated town subsequent to the creation of a county housing authority which previously included such city, village or incorporated town within its area of operation, such county housing authority shall have no power to create any additional project within the city, village or incorporated town, but any existing project in the city, village or incorporated town currently owned and operated by the county housing authority shall remain in the ownership, operation, custody and control of the county housing authority.

(b-5) "Criminal history record" means a record of arrest, complaint, indictment, or any disposition arising therefrom.

(b-6) "Criminal history report" means any written, oral, or other communication of information that includes criminal history record information about a natural person that is produced by a law enforcement agency, a court, a consumer reporting agency, or a housing screening agency or business.

(c) "Presiding officer" shall mean the presiding officer of the board of a county, or the mayor or president of a city, village or incorporated town, as the case may be, for which an Authority is created hereunder.

(d) "Commissioner" shall mean one of the members of an Authority appointed in accordance with the provisions of this

Act.

(e) "Government" shall include the State and Federal governments and the governments of any subdivisions, agency or instrumentality, corporate or otherwise, of either of them.

(f) "Department" shall mean the Department of Commerce and Economic Opportunity.

(g) "Project" shall include all lands, buildings, and improvements, acquired, owned, leased, managed or operated by a housing authority, and all buildings and improvements constructed, reconstructed or repaired by a housing authority, designed to provide housing accommodations and facilities appurtenant thereto (including community facilities and stores) which are planned as a unit, whether or not acquired or constructed at one time even though all or a portion of the buildings are not contiguous or adjacent to one another; and the planning of buildings and improvements, the acquisition of property, the demolition of existing structures, the clearing of land, the construction, reconstruction, and repair of buildings or improvements and all other work in connection therewith. As provided in Sections 8.14 to 8.18, inclusive, "project" also means, for Housing Authorities for municipalities of less than 500,000 population and for counties, the conservation of urban areas in accordance with an approved conservation plan. "Project" shall also include:

(1) acquisition of:

(i) a slum or blighted area or a deteriorated or

deteriorating area which is predominantly residential in character, or

(ii) any other deteriorated or deteriorating area which is to be developed or redeveloped for predominantly residential uses, or

(iii) platted urban or suburban land which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise substantially impairs or arrests the sound growth of the community and which is to be developed for predominantly residential uses, or

(iv) open unplatted urban or suburban land necessary for sound community growth which is to be developed for predominantly residential uses, or

(v) any other area where parcels of land remain undeveloped because of improper platting, delinquent taxes or special assessments, scattered or uncertain ownerships, clouds on title, artificial values due to excessive utility costs, or any other impediments to the use of such area for predominantly residential uses;

(2) installation, construction, or reconstruction of streets, utilities, and other site improvements essential to the preparation of sites for uses in accordance with the development or redevelopment plan; and

(3) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the local public agency itself).

If, in any city, village, or incorporated town, there exists a land clearance commission created under the Blighted Areas Redevelopment Act of 1947 (repealed) prior to August 20, 2021 (the effective date of Public Act 102-510) having the same area of operation as a housing authority created in and for any such municipality, such housing authority shall have no power to acquire land of the character described in subparagraph (iii), (iv), or (v) of paragraph (1) of the definition of "project" for the purpose of development or redevelopment by private enterprise.

(h) "Community facilities" shall include lands, buildings, and equipment for recreation or social assembly, for education, health or welfare activities and other necessary utilities primarily for use and benefit of the occupants of housing accommodations to be constructed, reconstructed, repaired or operated hereunder.

(i) "Real property" shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and estates, and rights, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(j) The term "governing body" shall include the city

council of any city, the president and board of trustees of any village or incorporated town, the council of any city or village, and the county board of any county.

(k) The phrase "individual, association, corporation or organization" shall include any individual, private corporation, limited or general partnership, limited liability company, insurance company, housing corporation, neighborhood redevelopment corporation, non-profit corporation, incorporated or unincorporated group or association, educational institution, hospital, or charitable organization, and any mutual ownership or cooperative organization.

(l) "Conservation area", for the purpose of the exercise of the powers granted in Sections 8.14 to 8.18, inclusive, for housing authorities for municipalities of less than 500,000 population and for counties, means an area of not less than 2 acres in which the structures in 50% or more of the area are residential having an average age of 35 years or more. Such an area by reason of dilapidation, obsolescence, deterioration or illegal use of individual structures, overcrowding of structures and community facilities, conversion of residential units into non-residential use, deleterious land use or layout, decline of physical maintenance, lack of community planning, or any combination of these factors may become a slum and blighted area.

(m) "Conservation plan" means the comprehensive program for the physical development and replanning of a "Conservation



Area" as defined in paragraph (l) embodying the steps required to prevent such Conservation Area from becoming a slum and blighted area.

(n) "Fair use value" means the fair cash market value of real property when employed for the use contemplated by a "Conservation Plan" in municipalities of less than 500,000 population and in counties.

(o) "Community facilities" means, in relation to a "Conservation Plan", those physical plants which implement, support and facilitate the activities, services and interests of education, recreation, shopping, health, welfare, religion and general culture.

(p) "Loan agreement" means any agreement pursuant to which an Authority agrees to loan the proceeds of its revenue bonds issued with respect to a multifamily rental housing project or other funds of the Authority to any person upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, premium, if any, and interest on the revenue bonds of the Authority issued with respect to the multifamily rental housing project, and providing for maintenance, insurance, and other matters as may be deemed desirable by the Authority.

(q) "Multifamily rental housing" means any rental project designed for mixed-income or low-income occupancy.

(r) "Federally assisted housing" means any housing units or subsidized housing programs funded in whole or in part by

the federal government including all properties owned or financed by a housing authority, or a subsidiary or partnership in which the housing authority is a member.

(Source: P.A. 101-659, eff. 3-23-21; 102-510, eff. 8-20-21; 102-813, eff. 5-13-22.)

(310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

Sec. 25. Rentals and tenant selection. In the operation or management of housing projects an Authority shall at all times observe the following duties with respect to rentals and tenant selection:

(a) It shall not accept any person as a tenant in any dwelling in a housing project if the persons who would occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the Authority determines (which determination shall be conclusive) to be necessary in order to enable such persons to secure safe, sanitary and uncongested dwelling accommodations within the area of operation of the Authority and to provide an adequate standard of living for themselves.

(b) It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines (pursuant to (a) of this Section) to be necessary in order to obtain safe, sanitary and uncongested dwelling accommodations within the area of operation of the Authority and to provide an adequate

standard of living.

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

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

(e) If an 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 Illinois State Police in a manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall 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. The Illinois State Police shall furnish pursuant to positive identification, records of conviction to the Authority. An Authority that requests a criminal history report of an applicant or other household member shall inform the applicant at the time of the request that the applicant or other household member may provide additional mitigating information

for consideration with the application for housing.

(e-5) Criminal history record assessment. The Authority shall use the following process when evaluating the criminal history report of an applicant or other household member to determine whether to rent or lease to the applicant:

(1) Unless required by federal law, the Authority shall not consider the following information when determining eligibility for federally assisted housing ~~whether to rent or lease to an applicant for housing:~~

(A) an arrest or detention;

(B) criminal charges or indictments, and the nature of any disposition arising therefrom, that do not result in a conviction;

(C) a conviction that has been vacated, ordered, expunged, sealed, or impounded by a court;

(D) matters under the jurisdiction of the Illinois Juvenile Court;

(E) the amount of time since the applicant or other household member completed his or her sentence in prison or jail or was released from prison or jail; or

(F) convictions occurring more than 180 days prior to the date the applicant's ~~applicant submitted his or her~~ application for housing is reviewed for acceptance.

(2) The Authority shall create a system for the

independent review of criminal history reports:

(A) the reviewer shall examine the applicant's or other household member's criminal history report and report only those records not prohibited under paragraph (1) to the person or persons making the decision about whether to offer federally assisted housing to the applicant; and

(B) the reviewer shall not participate in any final decisions on an applicant's application for federally assisted housing.

(3) The Authority may deny an applicant's application for federally assisted housing because of the applicant's or another household member's criminal history record, only if the Authority:

(A) determines that the denial is required under federal law; or

(B) determines that there is a direct relationship between the applicant or the other household member's criminal history record and a risk to the health, safety, and peaceful enjoyment of fellow tenants. The mere existence of a criminal history record does not demonstrate such a risk.

(f) It may, if a tenant has created or maintained a threat constituting a serious and clear danger to the health or safety of other tenants or Authority employees, after 3 days' written notice of termination and without a hearing, file suit

against any such tenant for recovery of possession of the premises. The tenant shall be given the opportunity to contest the termination in the court proceedings. A serious and clear danger to the health or safety of other tenants or Authority employees shall include, but not be limited to, any of the following activities of the tenant or of any other person on the premises with the consent of the tenant:

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

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

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

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

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

Nothing contained in this Section or any other Section of this Act shall be construed as limiting the power of an Authority to vest in a bondholder or trustee the right, in the

event of a default by the Authority, to take possession and operate a housing project or cause the appointment of a receiver thereof, free from all restrictions imposed by this Section or any other Section of this Act.

(Source: P.A. 101-659, eff. 3-23-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

(310 ILCS 10/25.01)

Sec. 25.01. Notification. Before denying an applicant's federally assisted housing application based, in whole or in part, on a criminal history record permitted under this Act, the Authority shall provide the opportunity for an individual assessment. The applicant for federally assisted housing shall be provided with a clear, written notice that:

(1) explains why the Authority has determined that the criminal history report it obtained requires further review, including detailed information on whether the need for further review is based on federal law or on the Authority's determination that the criminal history record of the applicant or other household member indicates a risk to the health, safety, or peaceful enjoyment of housing for other residents;

(2) identifies the specific conviction or convictions upon which the Authority relied upon when making its decision to deny the applicant's federally assisted housing application;

(3) explains that the applicant has a right to an individualized criminal records assessment hearing regarding the Authority's decision to deny the applicant's federally assisted housing application, as set forth in Section 25.02;

(4) provides clear instructions on what to expect during an individualized criminal records assessment hearing, as set forth in Section 25.02;

(5) explains that if the applicant chooses not to participate in an individualized criminal records assessment hearing, the applicant's application will be denied; and

(6) provides a copy of the criminal history report the Authority used to make its determination.

(Source: P.A. 101-659, eff. 3-23-21.)

(310 ILCS 10/25.02)

Sec. 25.02. Criminal records assessment hearing.

(a) An applicant has the right to an individualized criminal records assessment hearing if the applicant's application for federally assisted housing requires further review because of the applicant's or another household member's criminal history record. The individualized criminal records assessment hearing shall allow the applicant or other household member to:

(1) contest the accuracy of the criminal history



record;

(2) contest the relevance of the criminal history record to the Authority's decision to deny the applicant's application for federally assisted housing; and

(3) provide mitigating evidence concerning the applicant's or other household member's criminal conviction or evidence of rehabilitation.

(b) The Authority shall not rent or lease to any other person the available federally assisted housing unit that is the subject of the applicant's individualized criminal records assessment hearing until after the Authority has issued a final ruling.

(c) The Authority shall adopt rules for criminal records assessment hearings in accordance with Article 10 of the Illinois Administrative Procedure Act.

(Source: P.A. 101-659, eff. 3-23-21.)