



Rep. Delia C. Ramirez

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LRB101 04602 KTG 70744 a

1 AMENDMENT TO HOUSE BILL 206

2 AMENDMENT NO. _____. Amend House Bill 206 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Housing Authorities Act is amended by
5 changing Sections 8.23, 17, and 25 and by adding Sections
6 8.10a, 25.01, and 25.02 as follows:

7 (310 ILCS 10/8.10a new)

8 Sec. 8.10a. Criminal history record data.

9 (a) Every Authority organized under the provisions of this
10 Act shall collect the following:

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

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

1 household members;

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

7 (4) the number of criminal records assessment hearings
8 requested by applicants for housing who were denied
9 federally assisted housing on the basis of a criminal
10 history records check; and

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

14 (b) The information required in this Section shall be
15 disaggregated by the race, ethnicity, and sex of applicants for
16 housing. This information shall be reported to the Illinois
17 Criminal Justice Information Authority and shall be compiled
18 and reported to the General Assembly annually by the Illinois
19 Criminal Justice Information Authority. The Illinois Criminal
20 Justice Information Authority shall also make this report
21 publicly available, including on its website, without fee.

22 (310 ILCS 10/8.23)

23 Sec. 8.23. Notification to leaseholders of the prospective
24 presence of individuals with a felony conviction ~~felons~~ in
25 housing authority facilities; eviction.

1 (a) Immediately upon the receipt of the written
2 notification, from the Department of Corrections under
3 subsection (c) of Section 3-14-1 of the Unified Code of
4 Corrections, that an individual with a felony conviction a
5 ~~felon~~ intends to reside, upon release from custody, at an
6 address that is a housing facility owned, managed, operated, or
7 leased by the Authority, the Authority must provide written
8 notification to the leaseholder residing at that address.

9 (b) The Authority may not evict the leaseholder described
10 in subsection (a) of this Section unless (i) federal law
11 prohibits the individual with a felony conviction from residing
12 at a housing facility owned, managed, operated, or leased by
13 the Authority and (ii) the Authority proves by a preponderance
14 of the evidence that the leaseholder had knowledge of and
15 consents to the individual's ~~felon's~~ intent to reside at the
16 leaseholder's address.

17 (Source: P.A. 91-506, eff. 8-13-99.)

18 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

19 Sec. 17. Definitions. The following terms, wherever used or
20 referred to in this Act shall have the following respective
21 meanings, unless in any case a different meaning clearly
22 appears from the context:

23 (a) "Authority" or "housing authority" shall mean a
24 municipal corporation organized in accordance with the
25 provisions of this Act for the purposes, with the powers and

1 subject to the restrictions herein set forth.

2 (b) "Area" or "area of operation" shall mean: (1) in the
3 case of an authority which is created hereunder for a city,
4 village, or incorporated town, the area within the territorial
5 boundaries of said city, village, or incorporated town, and so
6 long as no county housing authority has jurisdiction therein,
7 the area within three miles from such territorial boundaries,
8 except any part of such area located within the territorial
9 boundaries of any other city, village, or incorporated town;
10 and (2) in the case of a county shall include all of the county
11 except the area of any city, village or incorporated town
12 located therein in which there is an Authority. When an
13 authority is created for a county subsequent to the creation of
14 an authority for a city, village or incorporated town within
15 the same county, the area of operation of the authority for
16 such city, village or incorporated town shall thereafter be
17 limited to the territory of such city, village or incorporated
18 town, but the authority for such city, village or incorporated
19 town may continue to operate any project developed in whole or
20 in part in an area previously a part of its area of operation,
21 or may contract with the county housing authority with respect
22 to the sale, lease, development or administration of such
23 project. When an authority is created for a city, village or
24 incorporated town subsequent to the creation of a county
25 housing authority which previously included such city, village
26 or incorporated town within its area of operation, such county

1 housing authority shall have no power to create any additional
2 project within the city, village or incorporated town, but any
3 existing project in the city, village or incorporated town
4 currently owned and operated by the county housing authority
5 shall remain in the ownership, operation, custody and control
6 of the county housing authority.

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

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

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

18 (d) "Commissioner" shall mean one of the members of an
19 Authority appointed in accordance with the provisions of this
20 Act.

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

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

26 (g) "Project" shall include all lands, buildings, and

1 improvements, acquired, owned, leased, managed or operated by a
2 housing authority, and all buildings and improvements
3 constructed, reconstructed or repaired by a housing authority,
4 designed to provide housing accommodations and facilities
5 appurtenant thereto (including community facilities and
6 stores) which are planned as a unit, whether or not acquired or
7 constructed at one time even though all or a portion of the
8 buildings are not contiguous or adjacent to one another; and
9 the planning of buildings and improvements, the acquisition of
10 property, the demolition of existing structures, the clearing
11 of land, the construction, reconstruction, and repair of
12 buildings or improvements and all other work in connection
13 therewith. As provided in Sections 8.14 to 8.18, inclusive,
14 "project" also means, for Housing Authorities for
15 municipalities of less than 500,000 population and for
16 counties, the conservation of urban areas in accordance with an
17 approved conservation plan. "Project" shall also include (1)
18 acquisition of (i) a slum or blighted area or a deteriorated or
19 deteriorating area which is predominantly residential in
20 character, or (ii) any other deteriorated or deteriorating area
21 which is to be developed or redeveloped for predominantly
22 residential uses, or (iii) platted urban or suburban land which
23 is predominantly open and which because of obsolete platting,
24 diversity of ownership, deterioration of structures or of site
25 improvements, or otherwise substantially impairs or arrests
26 the sound growth of the community and which is to be developed

1 for predominantly residential uses, or (iv) open unplatted
2 urban or suburban land necessary for sound community growth
3 which is to be developed for predominantly residential uses, or
4 (v) any other area where parcels of land remain undeveloped
5 because of improper platting, delinquent taxes or special
6 assessments, scattered or uncertain ownerships, clouds on
7 title, artificial values due to excessive utility costs, or any
8 other impediments to the use of such area for predominantly
9 residential uses; (2) installation, construction, or
10 reconstruction of streets, utilities, and other site
11 improvements essential to the preparation of sites for uses in
12 accordance with the development or redevelopment plan; and (3)
13 making the land available for development or redevelopment by
14 private enterprise or public agencies (including sale, initial
15 leasing, or retention by the local public agency itself). If in
16 any city, village or incorporated town there exists a land
17 clearance commission created under the "Blighted Areas
18 Redevelopment Act of 1947" having the same area of operation as
19 a housing authority created in and for any such municipality
20 such housing authority shall have no power to acquire land of
21 the character described in subparagraph (iii), (iv) or (v) of
22 paragraph 1 of the definition of "project" for the purpose of
23 development or redevelopment by private enterprise.

24 (h) "Community facilities" shall include lands, buildings,
25 and equipment for recreation or social assembly, for education,
26 health or welfare activities and other necessary utilities

1 primarily for use and benefit of the occupants of housing
2 accommodations to be constructed, reconstructed, repaired or
3 operated hereunder.

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

9 (j) The term "governing body" shall include the city
10 council of any city, the president and board of trustees of any
11 village or incorporated town, the council of any city or
12 village, and the county board of any county.

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

21 (l) "Conservation area", for the purpose of the exercise of
22 the powers granted in Sections 8.14 to 8.18, inclusive, for
23 housing authorities for municipalities of less than 500,000
24 population and for counties, means an area of not less than 2
25 acres in which the structures in 50% or more of the area are
26 residential having an average age of 35 years or more. Such an

1 area is not yet a slum or blighted area as defined in the
2 Blighted Areas Redevelopment Act of 1947, but such an area by
3 reason of dilapidation, obsolescence, deterioration or illegal
4 use of individual structures, overcrowding of structures and
5 community facilities, conversion of residential units into
6 non-residential use, deleterious land use or layout, decline of
7 physical maintenance, lack of community planning, or any
8 combination of these factors may become a slum and blighted
9 area.

10 (m) "Conservation plan" means the comprehensive program
11 for the physical development and replanning of a "Conservation
12 Area" as defined in paragraph (l) embodying the steps required
13 to prevent such Conservation Area from becoming a slum and
14 blighted area.

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

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

24 (p) "Loan agreement" means any agreement pursuant to which
25 an Authority agrees to loan the proceeds of its revenue bonds
26 issued with respect to a multifamily rental housing project or

1 other funds of the Authority to any person upon terms providing
2 for loan repayment installments at least sufficient to pay when
3 due all principal of, premium, if any, and interest on the
4 revenue bonds of the Authority issued with respect to the
5 multifamily rental housing project, and providing for
6 maintenance, insurance, and other matters as may be deemed
7 desirable by the Authority.

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

10 (Source: P.A. 94-793, eff. 5-19-06; 95-887, eff. 8-22-08.)

11 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

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

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

25 (b) It may rent or lease the dwelling accommodations

1 therein only at rentals within the financial reach of persons
2 who lack the amount of income which it determines (pursuant to
3 (a) of this Section) to be necessary in order to obtain safe,
4 sanitary and uncongested dwelling accommodations within the
5 area of operation of the Authority and to provide an adequate
6 standard of living.

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

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

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

1 State Police. These fingerprints shall be checked against the
2 fingerprint records now and hereafter filed in the Department
3 of State Police and Federal Bureau of Investigation criminal
4 history records databases. The Department of State Police shall
5 charge a fee for conducting the criminal history records check,
6 which shall be deposited in the State Police Services Fund and
7 shall not exceed the actual cost of the records check. The
8 Department of State Police shall furnish pursuant to positive
9 identification, records of conviction to the Authority. An
10 Authority that requests a criminal history report of an
11 applicant or other household member shall inform the applicant
12 at the time of the request that the applicant or other
13 household member may provide additional mitigating information
14 for consideration with the application for housing.

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

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

22 (A) an arrest or detention;

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

26 (C) a conviction that has been vacated, ordered,

1 expunged, sealed, or impounded by a court;

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

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

7 (F) convictions occurring more than 180 days prior
8 to the date the applicant submitted his or her
9 application for housing.

10 (2) The Authority shall create a system for the
11 independent review of criminal history reports:

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

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

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

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

25 (B) determines that there is a direct relationship
26 between the applicant or the other household member's

1 criminal history record and a risk to the health,
2 safety, and peaceful enjoyment of fellow tenants. The
3 mere existence of a criminal history record does not
4 demonstrate such a risk.

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

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

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

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

26 (4) Streetgang membership as defined in the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

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

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

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

13 (310 ILCS 10/25.01 new)

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

20 (1) explains why the Authority has determined that the
21 criminal history report it obtained requires further
22 review, including detailed information on whether the need
23 for further review is based on federal law or on the
24 Authority's determination that the criminal history record
25 of the applicant or other household member indicates a risk

1 to the health, safety, or peaceful enjoyment of housing for
2 other residents;

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

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

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

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

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

19 (310 ILCS 10/25.02 new)

20 Sec. 25.02. Criminal records assessment hearing.

21 (a) An applicant has the right to an individualized
22 criminal records assessment hearing if the applicant's
23 application for housing requires further review because of the
24 applicant's or another household member's criminal history
25 record. The individualized criminal records assessment hearing

1 shall allow the applicant or other household member to:

2 (1) contest the accuracy of the criminal history
3 record;

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

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

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

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