



Rep. Kevin John Olickal

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10400HB1429ham001

LRB104 06164 JRC 25125 a

1 AMENDMENT TO HOUSE BILL 1429

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1429 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding Section  
5 5-1192 as follows:

6 (55 ILCS 5/5-1192 new)

7 Sec. 5-1192. Limitation on ordinances and policies. Any  
8 ordinance or policy under this Code is subject to the  
9 provisions of the Bill or Rights for the Homeless Act.

10 Section 10. The Township Code is amended by adding Section  
11 85-70 as follows:

12 (60 ILCS 1/85-70 new)

13 Sec. 85-70. Limitation on ordinances and policies. Any  
14 ordinance or policy under this Code is subject to the

1 provisions of the Bill or Rights for the Homeless Act.

2 Section 15. The Illinois Municipal Code is amended by  
3 adding Section 1-1-13 as follows:

4 (65 ILCS 5/1-1-13 new)

5 Sec. 1-1-13. Limitation on ordinances and policies. Any  
6 ordinance or policy under this Code is subject to the  
7 provisions of the Bill or Rights for the Homeless Act.

8 Section 20. The Downstate Forest Preserve District Act is  
9 amended by adding Section 10.5 as follows:

10 (70 ILCS 805/10.5 new)

11 Sec. 10.5. Limitation on ordinances and policies. Any  
12 ordinance or policy under this Act is subject to the  
13 provisions of the Bill or Rights for the Homeless Act.

14 Section 25. The Cook County Forest Preserve District Act  
15 is amended by adding Section 13.5 as follows:

16 (70 ILCS 810/13.5 new)

17 Sec. 13.5. Limitation on ordinances and policies. Any  
18 ordinance or policy under this Act is subject to the  
19 provisions of the Bill or Rights for the Homeless Act.

1 Section 30. The Park District Code is amended by adding  
2 Section 8-12a as follows:

3 (70 ILCS 1205/8-12a new)

4 Sec. 8-12a. Limitation on ordinances and policies. Any  
5 ordinance or policy under this Code is subject to the  
6 provisions of the Bill or Rights for the Homeless Act.

7 Section 35. The Chicago Park District Act is amended by  
8 adding Section 7.08 as follows:

9 (70 ILCS 1505/7.08 new)

10 Sec. 7.08. Limitation on ordinances and policies. Any  
11 ordinance or policy under this Act is subject to the  
12 provisions of the Bill or Rights for the Homeless Act.

13 Section 40. The Bill of Rights for the Homeless Act is  
14 amended by changing Section 10 as follows:

15 (775 ILCS 45/10)

16 Sec. 10. Bill of Rights.

17 (a) No person's rights, privileges, or access to public  
18 services may be denied or abridged solely because he or she is  
19 homeless. Such a person shall be granted the same rights and  
20 privileges as any other citizen of this State. A person  
21 experiencing homelessness has the following rights:

1           (1) the right to use and move freely in public spaces,  
2 including but not limited to public sidewalks, public  
3 parks, public transportation, and public buildings, in the  
4 same manner as any other person and without discrimination  
5 on the basis of his or her housing status;

6           (2) the right to equal treatment by all State and  
7 municipal agencies, without discrimination on the basis of  
8 housing status;

9           (3) the right not to face discrimination while  
10 maintaining employment due to his or her lack of permanent  
11 mailing address, or his or her mailing address being that  
12 of a shelter or social service provider;

13           (4) the right to emergency medical care free from  
14 discrimination based on his or her housing status;

15           (5) the right to vote, register to vote, and receive  
16 documentation necessary to prove identity for voting  
17 without discrimination due to his or her housing status;

18           (6) the right to protection from disclosure of his or  
19 her records and information provided to homeless shelters  
20 and service providers to State, municipal, and private  
21 entities without appropriate legal authority; and the  
22 right to confidentiality of personal records and  
23 information in accordance with all limitations on  
24 disclosure established by the federal Homeless Management  
25 Information Systems, the federal Health Insurance  
26 Portability and Accountability Act, and the federal

1 Violence Against Women Act; and

2 (7) the right to a reasonable expectation of privacy  
3 in his or her personal property to the same extent as  
4 personal property in a permanent residence.

5 (b) As used in this Act: 7

6 "Enforcing entity" means a State agency or a unit of local  
7 government as well as its representatives.

8 "Housing ~~housing~~ status" means the status of having or not  
9 having a fixed or regular residence, including the status of  
10 living on the streets, in a shelter, or in a temporary  
11 residence.

12 "Imminent risk" exists if there is immediate and  
13 substantial likelihood that death, serious illness, or severe  
14 injury to person or destruction of property.

15 "Life-sustaining activities" means engaging in activities  
16 that are needed to support or extend life in a non-obstructive  
17 manner; includes, but are not limited to, moving, resting,  
18 sitting, standing, lying down, sleeping, protecting oneself  
19 from the elements, eating, drinking nonalcoholic beverages,  
20 and storing such personal property as needed to shelter  
21 oneself while not blocking the public way.

22 "Notice" as required in this Act means:

23 Written notice: Notification by the enforcing entity  
24 in a conspicuous location 7 days before enforcement at the  
25 site of removal, including, but not limited to, at the  
26 entrance of the area or near the site and if possible on

1       the belongings of the unsheltered person.

2           Verbal notice shall be provided if the enforcing  
3       entity's representatives and persons subject to  
4       enforcement are present at a location simultaneously  
5       during the 7-day time period.

6       "Unsheltered homelessness" means the status of not having  
7       a fixed or regular residence, including the status of living  
8       on the streets because of a lack of access to a legally  
9       operated indoor shelter or other temporary residence that is  
10       appropriate and safe.

11       (c) Neither a State agency or any unit of local government  
12       may establish or enforce ordinances or policies that include  
13       finances or criminal penalties against people experiencing  
14       unsheltered homelessness for occupying or engaging in  
15       life-sustaining activities on public property.

16       (d) Subject to other provisions of this Act, a unit of  
17       local government may enforce ordinances, policies, or  
18       procedures to maintain public access and use to a property or  
19       address serious and imminent risks to public health and  
20       safety.

21       (e) Unless the enforcing entity determines that there is  
22       an imminent risk related to the property or public health and  
23       safety, before enforcing any such ordinances, policies and  
24       procedures, the enforcing entity shall provide notice, as  
25       defined under this Section, to persons subject to the  
26       enforcement. All enforcement under this Section shall comply

1 with the Community Emergency Services and Support Act and  
2 other provisions of this Act. The enforcing entity shall make  
3 a good faith effort, as is practical given resources, to  
4 provide or refer persons subject to enforcement with  
5 transportation, social services, and other resources to remedy  
6 their immediate shelter and long-term housing needs.

7 (f) When there is an imminent risk to individuals or  
8 community members that can only be mitigated by requiring  
9 unsheltered individuals to move themselves or their  
10 belongings, as much notice as is practical shall be provided.  
11 The enforcing entity shall make a good faith effort, as is  
12 practical given resources, to provide or refer persons subject  
13 to enforcement with transportation, social services, and other  
14 resources to remedy their immediate shelter and long-term  
15 housing needs.

16 (g) A home rule unit may not enact rules or regulations  
17 that are inconsistent with this Section. This subsection (g)  
18 is a limitation under subsection (i) of Section 6 of Article  
19 VII of the Illinois Constitution on the concurrent exercise by  
20 home rule units of powers and functions exercised by the  
21 State.

22 (h) Prosecution for any violation of law occurring before  
23 the effective date of this amendatory Act of the 104th General  
24 Assembly is not affected or abated by this Section. If the  
25 offense being prosecuted would be a violation of this Section  
26 and has not reached the sentencing stage or a final

1 adjudication, then the penalties under this Act apply if they  
2 are less than under the prior law upon which the prosecution  
3 was commenced. A program, ordinance, resolution, or other  
4 regulation that violates any of the provisions of this Section  
5 is void and unenforceable.

6 (Source: P.A. 98-516, eff. 8-22-13.)".