



Rep. Kevin John Olickal

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LRB104 06164 JRC 35870 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 1. Short title. This Act may be cited as the Local
5 Regulation of Unsheltered Homelessness Act.

6 Section 5. Definitions. As used in this Act:

7 "Governmental entity" means municipalities, units of local
8 government, special districts, and other units of local
9 government as designated by law other than school districts.

10 "Imminent risk" includes, but is not limited to, imminent
11 extreme weather, such as flooding or a tornado; an encampment
12 existing in the road or highway right-of-way that poses a risk
13 to encampment residents, the motoring public, or the
14 infrastructure; or an explosive device existing in an
15 encampment. Individual complaints or public pressure may not
16 be the sole factor and is not an allowable factor in

1 determining imminent risk.

2 "Life-sustaining activities" includes, but are not limited
3 to, moving, resting, sitting, standing, lying down, sleeping,
4 protecting oneself from the elements, eating, drinking
5 (excluding alcohol), and storing personal property as needed
6 to shelter oneself. Governmental entities may enforce federal,
7 State, or local statutes or ordinances against conduct that
8 does not meet the definition of life-sustaining activities.

9 "Unsheltered homelessness" has the same meaning as item
10 (1) (i) in the definition of "homeless" in 24 CFR 91.5

11 Section 10. Regulation of unsheltered homelessness.

12 (a) A governmental entity may not establish or enforce
13 ordinances or policies that include fines or criminal
14 penalties against people experiencing unsheltered homelessness
15 for solely participating in life-sustaining activity on public
16 property if the activities do not physically prevent
17 pedestrian or vehicular traffic in such a manner that creates
18 a hazard to others.

19 (b) Before removing a site or individual, the governmental
20 entity shall post a notice 7 days before removal is required,
21 unless immediate removal of the site is deemed necessary for
22 one of the following reasons:

23 (1) immediate removal of the individual experiencing
24 unsheltered homelessness is necessary to maintain access
25 to and use of a property; or

1 (2) immediate removal of the individual experiencing
2 unsheltered homelessness is necessary due to immediate and
3 likely risk to the safety of the unsheltered individual,
4 other individuals, or local community.

5 If immediate removal is undertaken, the basis for causing
6 the immediate removal of an individual must be adequately
7 documented by the appropriate person or department.

8 Section 15. Enforcement. Enforcement under this Act must
9 comply with the Community Emergency Services and Support Act.
10 The enforcing entity must make a good-faith effort, as is
11 practicable given its resources, to provide or refer persons
12 subject to enforcement with transportation, social services,
13 and other resources to remedy their immediate shelter and
14 long-term housing needs.

15 Section 20. Home rule. A home rule unit may not regulate
16 unsheltered homelessness in a manner that is inconsistent with
17 this Act. This Act is a limitation under subsection (i) of
18 Section 6 of Article VII of the Illinois Constitution on the
19 concurrent exercise by home rule units of powers and functions
20 exercised by the State.

21 Section 90. The Department of Human Services Act is
22 amended by changing Section 10-75 as follows:

1 (20 ILCS 1305/10-75)

2 Sec. 10-75. Homelessness supports in Illinois.

3 (a) The Office to Prevent and End Homelessness (Office) is
4 created within the Department of Human Services to facilitate
5 the implementation of a strategic plan and initiatives aimed
6 at decreasing homelessness and unnecessary
7 institutionalization in Illinois, improving health and human
8 services outcomes for people who experience homelessness, and
9 strengthening the safety nets that contribute to housing
10 stability. The Office shall be led by the State Homelessness
11 Chief Officer who shall report to the Secretary of the
12 Department. The Chief Officer shall also chair the Interagency
13 Task Force on Homelessness, co-chair the Community Advisory
14 Council on Homelessness, and lead the State's comprehensive
15 efforts related to homelessness prevention. The Chief Officer
16 shall serve as a policymaker and spokesperson on homelessness
17 prevention, including coordinating the multi-agency effort
18 through legislation, rules, and budgets and communicating with
19 the General Assembly and federal and local leaders on these
20 critical issues.

21 (a-5) The Office shall establish a subcommittee on
22 encampments and unsheltered homelessness that occur on State
23 property to facilitate a plan if removal is necessary. The
24 Office shall consult with homeless advocates in the creation
25 of this plan. This plan shall be made public before
26 implementation.

1 (b) The Interagency Task Force on Homelessness is created
2 within the Department of Human Services to facilitate and
3 implement initiatives related to decreasing homelessness and
4 unnecessary institutionalization in this State, improve health
5 and human services outcomes for people who experience
6 homelessness, and strengthen the safety nets that contribute
7 to housing stability. The Task Force shall:

8 (1) Implement the State Plan which is aimed at
9 addressing homelessness and unnecessary
10 institutionalization with the goals of achieving
11 functional zero homelessness, improving health and human
12 services outcomes for people experiencing homelessness,
13 and strengthening the safety nets that contribute to
14 housing stability.

15 (2) Recommend policy, regulatory, and resource changes
16 necessary to accomplish goals and objectives laid out in
17 the State Plan.

18 (3) Serve within State government and in the State at
19 large as an advocate for people experiencing homelessness.

20 (4) Provide leadership for and collaborate with those
21 developing and implementing local plans to end
22 homelessness in Illinois, including, but not limited to,
23 the Community Advisory Council and its members.

24 (5) Recommend the resources needed for successful
25 implementation and oversee that implementation.

26 (6) Recommend and promote effective interagency

1 collaboration and system integration to converge related
2 efforts, including coordination with the Illinois Youth
3 Homelessness Prevention Subcommittee, the Illinois
4 Commission on the Elimination of Poverty, and the Illinois
5 Commission to End Hunger on drafting policy
6 recommendations related to the intersection of
7 homelessness and poverty.

8 (7) Recommend needed policy, regulatory, and resource
9 distribution changes; make oversight recommendations that
10 will ensure accountability, results, and sustained
11 success; and develop specific proposals and
12 recommendations for action to provide to the Governor and
13 the General Assembly.

14 (c) (Blank).

15 (d) The Task Force may solicit feedback from stakeholders,
16 customers, and advocates to inform Task Force recommendations
17 as necessary.

18 (e) On or before December 1, 2024, and each year
19 thereafter, the Task Force shall submit a report to the
20 Governor and General Assembly regarding the Task Force's work
21 during the year prior, any new recommendations developed by
22 the Task Force, any recommendations made by the Community
23 Advisory Council on Homelessness, and any key outcomes and
24 measures related to homelessness.

25 (f) The Task Force shall include the following members
26 appointed by the Governor:

1 (1) The Chief Homelessness Officer, who shall serve as
2 Chair.

3 (2) The Secretary of Human Services, or his or her
4 designee.

5 (3) The Executive Director of the Illinois Housing
6 Development Authority, or his or her designee.

7 (4) The Director of Healthcare and Family Services, or
8 his or her designee.

9 (5) The Superintendent of the State Board of
10 Education, or his or her designee.

11 (6) The Executive Director of the Board of Higher
12 Education, or his or her designee.

13 (7) The Executive Director of the Illinois Community
14 College Board, or his or her designee.

15 (8) The Director of Corrections, or his or her
16 designee.

17 (9) The Director of Veterans' Affairs, or his or her
18 designee.

19 (10) The Director of Children and Family Services, or
20 his or her designee.

21 (11) The Director of Public Health, or his or her
22 designee.

23 (12) The Director of Aging, or his or her designee.

24 (13) The Director of Juvenile Justice, or his or her
25 designee.

26 (14) The Director of Commerce and Economic

1 Opportunity, or his or her designee.

2 (15) The Director of Employment Security, or his or
3 her designee.

4 (16) The Director of the Illinois State Police, or his
5 or her designee.

6 (17) The Executive Director of the Illinois Criminal
7 Justice Information Authority, or his or her designee.

8 (18) The Director of the Office of Management and
9 Budget, or his or her designee.

10 (g) The Task Force shall also include the following
11 members:

12 (1) One member appointed by the President of the
13 Senate.

14 (2) One member appointed by the Minority Leader of the
15 Senate.

16 (3) One member appointed by the Speaker of the House
17 of Representatives.

18 (4) One member appointed by the Minority Leader of the
19 House of Representatives.

20 (h) The Chair of the Task Force may appoint additional
21 representatives from State agencies as needed.

22 (i) The Task Force shall meet at the call of the chair, at
23 least 4 times per year. Members shall serve without
24 compensation.

25 (j) The Task Force may establish subcommittees to address
26 specific issues or populations and may collaborate with

1 individuals with relevant expertise who are not members of the
2 Task Force to assist the subcommittee in carrying out its
3 duties.

4 (k) The Department of Human Services shall provide
5 administrative support to the Task Force.

6 (l) Nothing in this Act shall be construed to contravene
7 any federal or State law or regulation. Unless specifically
8 referenced in this Act, nothing in this Act shall affect or
9 alter the existing statutory powers of any State agency or be
10 construed as a reassignment or reorganization of any State
11 agency.

12 (m) Community Advisory Council. The Community Advisory
13 Council on Homelessness is created within the Department of
14 Human Services to make recommendations to the Interagency Task
15 Force on Homelessness regarding homelessness and unnecessary
16 institutionalization with the goals of achieving functional
17 zero homelessness, improving health and human services
18 outcomes for people experiencing homelessness and
19 strengthening the safety nets that contribute to housing
20 stability.

21 (1) The Advisory Council shall be co-chaired by the
22 Chief Homelessness Officer and a member of the Advisory
23 Council designated by the Governor. The Advisory Council
24 shall consist of all of the following members appointed by
25 the Governor. Members appointed to the Advisory Council
26 must reflect the racial, ethnic, and geographic diversity

1 of this State. The Chief may include any State agency
2 staff that they deem necessary as ex officio, nonvoting
3 members of the Community Advisory Council.

4 (A) Three members with lived experience of
5 homelessness or housing insecurity, which may include,
6 but are not limited to, formerly incarcerated persons,
7 veterans, and youth (16 to 25 years old).

8 (B) One member representing individuals with
9 disabilities.

10 (C) Two members representing the philanthropic
11 private funding sector.

12 (D) One member representing a statewide behavioral
13 health advocacy organization.

14 (E) One member representing a statewide housing
15 advocacy organization.

16 (F) At least 2 members representing local
17 Continuums of Care.

18 (G) At least 3 members representing local units of
19 government (municipal, county, or township).

20 (H) One member representing an organization that
21 supports victims of domestic violence.

22 (I) A minimum of 4 members representing providers
23 of the homeless response system inclusive of, but not
24 limited to, emergency supportive housing, rapid
25 rehousing, permanent supportive housing, homeless
26 youth programs, and homeless prevention.

1 (J) Two members, who may or may not meet the
2 qualification requirements for the other appointees.
3 The Advisory Council shall meet at least 4 times per year.

4 (2) Members shall serve without compensation, but
5 public members may be reimbursed for reasonable and
6 necessary travel expenses connected to Task Force
7 business. Persons with lived experience of homelessness
8 and housing insecurity, who are not otherwise compensated
9 by employers to attend the Community Advisory Council,
10 shall receive compensation for each quarterly Council
11 meeting attended.

12 (3) The meetings of the Advisory Council shall be
13 conducted in accordance with the provisions of Section 2
14 of the Open Meetings Act. The Department of Human Services
15 shall provide staff and administrative support to assist
16 the Advisory Council in carrying out its duties.

17 (4) Nothing in this Act shall be construed to
18 contravene any federal or State law or regulation. Unless
19 specifically referenced in this Act, nothing in this Act
20 shall affect or alter the existing statutory powers of any
21 State agency or be construed as a reassignment or
22 reorganization of any State agency.

23 (5) On or before November 15, 2023, and each year
24 thereafter, the Advisory Council shall submit
25 recommendations to the Interagency Task Force on
26 Homelessness.

1 (Source: P.A. 103-269, eff. 7-26-23; 103-605, eff. 7-1-24.)".