



Rep. Kevin John Olickal

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LRB104 06164 JRC 36773 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 a municipality, unit of local
8 government, special district, or other unit 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 Governmental entities may establish reasonable standards for
10 personal property necessary to shelter oneself.

11 "Personal property" means any item that is reasonably
12 recognizable as belonging to a person and appearing to have
13 utility or monetary value. "Personal property" does not
14 include personal property that is unsanitary to store or
15 otherwise maintain, any weapon possessed illegally, drug
16 paraphernalia, or any items of food that can reasonably be
17 expected to spoil or otherwise perish within the next 30 days.

18 "Unsheltered homelessness" means an individual or family
19 who lacks a fixed, regular, and adequate nighttime residence,
20 meaning an individual or family with a primary nighttime
21 residence that is a public or private place not designed for or
22 ordinarily used as a regular sleeping accommodation for human
23 beings, including a car, park, abandoned building, bus or
24 train station, airport, or camping ground.

25 Section 10. Regulation of unsheltered homelessness.

1 (a) A governmental entity may not establish or enforce
2 ordinances or policies that include fines or criminal
3 penalties against people experiencing unsheltered homelessness
4 for solely participating in life-sustaining activity on public
5 property if the activities do not physically prevent
6 pedestrian or vehicular traffic in such a manner that creates
7 a hazard to others. A governmental entity may remove a person
8 to ensure compliance with hours of operation, reservation, or
9 scheduled use of the property or facilities as long as no fine,
10 fee, or other penalty is assessed.

11 (b) Before removing a site or individual, the governmental
12 entity shall post a notice 3 business days before removal is
13 required, unless immediate removal of the site is deemed
14 necessary for one of the following reasons:

15 (1) immediate removal of the individual experiencing
16 unsheltered homelessness is necessary to maintain access
17 to and use of a property;

18 (2) immediate removal of the individual experiencing
19 unsheltered homelessness is necessary to ensure compliance
20 with hours of operation, reservation, or scheduled use of
21 property or facilities;

22 (3) immediate removal of the individual experiencing
23 unsheltered homelessness is necessary due to an imminent
24 risk as defined in Section 5 of this Act and is an
25 immediate and likely risk to the safety of the unsheltered
26 individual, other individuals, or local community; or

1 (4) immediate removal of the individual experiencing
2 unsheltered homelessness is necessary because of a
3 permitted event or use.

4 If immediate removal is undertaken, the basis for causing
5 the immediate removal of an individual must be adequately
6 documented by the appropriate person or department.
7 Documentation must be maintained in accordance with the Local
8 Records Act.

9 Section 15. Enforcement. Enforcement under this Act must
10 comply with the Community Emergency Services and Support Act.
11 The enforcing entity must make a good-faith effort, as is
12 practicable given its resources, to provide or refer persons
13 subject to enforcement with transportation, social services,
14 and other resources to remedy their immediate shelter and
15 long-term housing needs. Nothing in this Act may be
16 interpreted as a prohibition on a governmental entity
17 contacting persons experiencing unsheltered homelessness to
18 provide or refer them to transportation, social services, and
19 other resources to remedy their immediate shelter and
20 long-term housing needs.

21 Section 20. Disposition and release of personal property.
22 All personal property as defined by this Act that is removed
23 from any site under this Act may be stored by the appropriate
24 law enforcement agency or the government entity for a minimum

1 of 30 days during which time it can be reasonably available for
2 and released to an individual confirming ownership.

3 Section 25. Home rule. A home rule unit may not regulate
4 unsheltered homelessness in a manner that is inconsistent with
5 this Act. This Act is a limitation under subsection (i) of
6 Section 6 of Article VII of the Illinois Constitution on the
7 concurrent exercise by home rule units of powers and functions
8 exercised by the State.

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

11 (20 ILCS 1305/10-75)

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

13 (a) The Office to Prevent and End Homelessness (Office) is
14 created within the Department of Human Services to facilitate
15 the implementation of a strategic plan and initiatives aimed
16 at decreasing homelessness and unnecessary
17 institutionalization in Illinois, improving health and human
18 services outcomes for people who experience homelessness, and
19 strengthening the safety nets that contribute to housing
20 stability. The Office shall be led by the State Homelessness
21 Chief Officer who shall report to the Secretary of the
22 Department. The Chief Officer shall also chair the Interagency
23 Task Force on Homelessness, co-chair the Community Advisory

1 Council on Homelessness, and lead the State's comprehensive
2 efforts related to homelessness prevention. The Chief Officer
3 shall serve as a policymaker and spokesperson on homelessness
4 prevention, including coordinating the multi-agency effort
5 through legislation, rules, and budgets and communicating with
6 the General Assembly and federal and local leaders on these
7 critical issues.

8 (a-5) The Office shall establish a subcommittee on
9 encampments and unsheltered homelessness that occur on State
10 property to facilitate a plan if removal is necessary. The
11 Office shall consult with homeless advocates in the creation
12 of this plan. This plan shall be made public before
13 implementation.

14 (b) The Interagency Task Force on Homelessness is created
15 within the Department of Human Services to facilitate and
16 implement initiatives related to decreasing homelessness and
17 unnecessary institutionalization in this State, improve health
18 and human services outcomes for people who experience
19 homelessness, and strengthen the safety nets that contribute
20 to housing stability. The Task Force shall:

21 (1) Implement the State Plan which is aimed at
22 addressing homelessness and unnecessary
23 institutionalization with the goals of achieving
24 functional zero homelessness, improving health and human
25 services outcomes for people experiencing homelessness,
26 and strengthening the safety nets that contribute to

1 housing stability.

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

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

7 (4) Provide leadership for and collaborate with those
8 developing and implementing local plans to end
9 homelessness in Illinois, including, but not limited to,
10 the Community Advisory Council and its members.

11 (5) Recommend the resources needed for successful
12 implementation and oversee that implementation.

13 (6) Recommend and promote effective interagency
14 collaboration and system integration to converge related
15 efforts, including coordination with the Illinois Youth
16 Homelessness Prevention Subcommittee, the Illinois
17 Commission on the Elimination of Poverty, and the Illinois
18 Commission to End Hunger on drafting policy
19 recommendations related to the intersection of
20 homelessness and poverty.

21 (7) Recommend needed policy, regulatory, and resource
22 distribution changes; make oversight recommendations that
23 will ensure accountability, results, and sustained
24 success; and develop specific proposals and
25 recommendations for action to provide to the Governor and
26 the General Assembly.

1 (c) (Blank).

2 (d) The Task Force may solicit feedback from stakeholders,
3 customers, and advocates to inform Task Force recommendations
4 as necessary.

5 (e) On or before December 1, 2024, and each year
6 thereafter, the Task Force shall submit a report to the
7 Governor and General Assembly regarding the Task Force's work
8 during the year prior, any new recommendations developed by
9 the Task Force, any recommendations made by the Community
10 Advisory Council on Homelessness, and any key outcomes and
11 measures related to homelessness.

12 (f) The Task Force shall include the following members
13 appointed by the Governor:

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

16 (2) The Secretary of Human Services, or his or her
17 designee.

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

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

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

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

26 (7) The Executive Director of the Illinois Community

1 College Board, or his or her designee.

2 (8) The Director of Corrections, or his or her
3 designee.

4 (9) The Director of Veterans' Affairs, or his or her
5 designee.

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

8 (11) The Director of Public Health, or his or her
9 designee.

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

11 (13) The Director of Juvenile Justice, or his or her
12 designee.

13 (14) The Director of Commerce and Economic
14 Opportunity, or his or her designee.

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

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

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

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

23 (g) The Task Force shall also include the following
24 members:

25 (1) One member appointed by the President of the
26 Senate.

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

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

5 (4) One member appointed by the Minority Leader of the
6 House of Representatives.

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

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

12 (j) The Task Force may establish subcommittees to address
13 specific issues or populations and may collaborate with
14 individuals with relevant expertise who are not members of the
15 Task Force to assist the subcommittee in carrying out its
16 duties.

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

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

25 (m) Community Advisory Council. The Community Advisory
26 Council on Homelessness is created within the Department of

1 Human Services to make recommendations to the Interagency Task
2 Force on Homelessness regarding homelessness and unnecessary
3 institutionalization with the goals of achieving functional
4 zero homelessness, improving health and human services
5 outcomes for people experiencing homelessness and
6 strengthening the safety nets that contribute to housing
7 stability.

8 (1) The Advisory Council shall be co-chaired by the
9 Chief Homelessness Officer and a member of the Advisory
10 Council designated by the Governor. The Advisory Council
11 shall consist of all of the following members appointed by
12 the Governor. Members appointed to the Advisory Council
13 must reflect the racial, ethnic, and geographic diversity
14 of this State. The Chief may include any State agency
15 staff that they deem necessary as ex officio, nonvoting
16 members of the Community Advisory Council.

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

21 (B) One member representing individuals with
22 disabilities.

23 (C) Two members representing the philanthropic
24 private funding sector.

25 (D) One member representing a statewide behavioral
26 health advocacy organization.

1 (E) One member representing a statewide housing
2 advocacy organization.

3 (F) At least 2 members representing local
4 Continuums of Care.

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

7 (H) One member representing an organization that
8 supports victims of domestic violence.

9 (I) A minimum of 4 members representing providers
10 of the homeless response system inclusive of, but not
11 limited to, emergency supportive housing, rapid
12 rehousing, permanent supportive housing, homeless
13 youth programs, and homeless prevention.

14 (J) Two members, who may or may not meet the
15 qualification requirements for the other appointees.

16 The Advisory Council shall meet at least 4 times per year.

17 (2) Members shall serve without compensation, but
18 public members may be reimbursed for reasonable and
19 necessary travel expenses connected to Task Force
20 business. Persons with lived experience of homelessness
21 and housing insecurity, who are not otherwise compensated
22 by employers to attend the Community Advisory Council,
23 shall receive compensation for each quarterly Council
24 meeting attended.

25 (3) The meetings of the Advisory Council shall be
26 conducted in accordance with the provisions of Section 2

1 of the Open Meetings Act. The Department of Human Services
2 shall provide staff and administrative support to assist
3 the Advisory Council in carrying out its duties.

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

10 (5) On or before November 15, 2023, and each year
11 thereafter, the Advisory Council shall submit
12 recommendations to the Interagency Task Force on
13 Homelessness.

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