

1 AN ACT concerning local government.

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

4 Article 1.

5 Section 1-5. The Property Tax Code is amended by changing
6 Sections 21-295, 21-310, 21-355 as follows:

7 (35 ILCS 200/21-295)

8 Sec. 21-295. Creation of indemnity fund.

9 (a) In counties of less than 3,000,000 inhabitants, each
10 person purchasing any property at a sale under this Code shall
11 pay to the County Collector, prior to the issuance of any
12 certificate of purchase, an indemnity fee set by the county
13 collector of not more than \$20 for each item purchased. A like
14 sum shall be paid for each year that all or a portion of
15 subsequent taxes are paid by the tax purchaser and posted to
16 the tax judgment, sale, redemption and forfeiture record where
17 the underlying certificate of purchase is recorded.

18 (a-5) In counties of 3,000,000 or more inhabitants, each
19 person purchasing property at a sale under this Code shall pay
20 to the County Collector a nonrefundable fee of \$80 for each
21 item purchased plus an additional sum equal to 5% of ~~taxes,~~
22 ~~interest, and penalties paid by the purchaser, including the~~

1 taxes, interest, and penalties paid under Section 21-240. In
2 these counties, the certificate holder shall also pay to the
3 County Collector a fee of \$80 for each year that all or a
4 portion of subsequent taxes are paid by the tax purchaser and
5 posted to the tax judgment, sale, redemption, and forfeiture
6 record, ~~plus an additional sum equal to 5% of all subsequent~~
7 ~~taxes, interest, and penalties. The additional 5% fees are not~~
8 ~~required after December 31, 2006.~~ The changes to this
9 subsection made by this amendatory Act of the 91st General
10 Assembly are not a new enactment, but declaratory of existing
11 law.

12 (b) The amount paid prior to issuance of the certificate of
13 purchase pursuant to subsection (a) or (a-5) shall be included
14 in the purchase price of the property in the certificate of
15 purchase and all amounts paid under this Section shall be
16 included in the amount required to redeem under Section 21-355,
17 except for the nonrefundable \$80 fee for each item purchased at
18 the tax sale as provided in this Section. Except as otherwise
19 provided in subsection (b) of Section 21-300, all money
20 received under subsection (a) or (a-5) shall be paid by the
21 Collector to the County Treasurer of the County in which the
22 land is situated, for the purpose of an indemnity fund. The
23 County Treasurer, as trustee of that fund, shall invest all of
24 that fund, principal and income, in his or her hands from time
25 to time, if not immediately required for payments of
26 indemnities under subsection (a) of Section 21-305, in

1 investments permitted by the Illinois State Board of Investment
2 under Article 22A of the Illinois Pension Code. The county
3 collector shall report annually to the county clerk on the
4 condition and income of the fund. The indemnity fund shall be
5 held to satisfy judgments obtained against the County
6 Treasurer, as trustee of the fund. No payment shall be made
7 from the fund, except upon a judgment of the court which
8 ordered the issuance of a tax deed.

9 (Source: P.A. 100-1070, eff. 1-1-19.)

10 (35 ILCS 200/21-310)

11 Sec. 21-310. Sales in error.

12 (a) When, upon application of the county collector, the
13 owner of the certificate of purchase, or a municipality which
14 owns or has owned the property ordered sold, it appears to the
15 satisfaction of the court which ordered the property sold that
16 any of the following subsections are applicable, the court
17 shall declare the sale to be a sale in error:

18 (1) the property was not subject to taxation, or all or
19 any part of the lien of taxes sold has become null and void
20 pursuant to Section 21-95 or unenforceable pursuant to
21 subsection (c) of Section 18-250 or subsection (b) of
22 Section 22-40,

23 (2) the taxes or special assessments had been paid
24 prior to the sale of the property,

25 (3) there is a double assessment,

1 (4) the description is void for uncertainty,

2 (5) the assessor, chief county assessment officer,
3 board of review, board of appeals, or other county official
4 has made an error (other than an error of judgment as to
5 the value of any property),

6 (5.5) the owner of the homestead property had tendered
7 timely and full payment to the county collector that the
8 owner reasonably believed was due and owing on the
9 homestead property, and the county collector did not apply
10 the payment to the homestead property; provided that this
11 provision applies only to homeowners, not their agents or
12 third-party payors,

13 (6) prior to the tax sale a voluntary or involuntary
14 petition has been filed by or against the legal or
15 beneficial owner of the property requesting relief under
16 the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,

17 (7) the property is owned by the United States, the
18 State of Illinois, a municipality, or a taxing district, or

19 (8) the owner of the property is a reservist or
20 guardsperson who is granted an extension of his or her due
21 date under Sections 21-15, 21-20, and 21-25 of this Act.

22 (b) When, upon application of the owner of the certificate
23 of purchase only, it appears to the satisfaction of the court
24 which ordered the property sold that any of the following
25 subsections are applicable, the court shall declare the sale to
26 be a sale in error:

1 (1) A voluntary or involuntary petition under the
2 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
3 filed subsequent to the tax sale and prior to the issuance
4 of the tax deed.

5 (2) The improvements upon the property sold have been
6 substantially destroyed or rendered uninhabitable or
7 otherwise unfit for occupancy subsequent to the tax sale
8 and prior to the issuance of the tax deed; however, if the
9 court declares a sale in error under this paragraph (2),
10 the court may order the holder of the certificate of
11 purchase to assign the certificate to the county collector
12 if requested by the county collector. The county collector
13 may, upon request of the county, as trustee, or upon
14 request of a taxing district having an interest in the
15 taxes sold, further assign any certificate of purchase
16 received pursuant to this paragraph (2) to the county
17 acting as trustee for taxing districts pursuant to Section
18 21-90 of this Code or to the taxing district having an
19 interest in the taxes sold.

20 (3) There is an interest held by the United States in
21 the property sold which could not be extinguished by the
22 tax deed.

23 (4) The real property contains a hazardous substance,
24 hazardous waste, or underground storage tank that would
25 require cleanup or other removal under any federal, State,
26 or local law, ordinance, or regulation, only if the tax

1 purchaser purchased the property without actual knowledge
2 of the hazardous substance, hazardous waste, or
3 underground storage tank. This paragraph (4) applies only
4 if the owner of the certificate of purchase has made
5 application for a sale in error at any time before the
6 issuance of a tax deed. If the court declares a sale in
7 error under this paragraph (4), the court may order the
8 holder of the certificate of purchase to assign the
9 certificate to the county collector if requested by the
10 county collector. The county collector may, upon request of
11 the county, as trustee, or upon request of a taxing
12 district having an interest in the taxes sold, further
13 assign any certificate of purchase received pursuant to
14 this paragraph (4) to the county acting as trustee for
15 taxing districts pursuant to Section 21-90 of this Code or
16 to the taxing district having an interest in the taxes
17 sold.

18 Whenever a court declares a sale in error under this
19 subsection (b), the court shall promptly notify the county
20 collector in writing. Every such declaration pursuant to any
21 provision of this subsection (b) shall be made within the
22 proceeding in which the tax sale was authorized.

23 (c) When the county collector discovers, prior to the
24 expiration of the period of redemption, that a tax sale should
25 not have occurred for one or more of the reasons set forth in
26 subdivision (a) (1), (a) (2), (a) (6), or (a) (7) of this Section,

1 the county collector shall notify the last known owner of the
2 certificate of purchase by certified and regular mail, or other
3 means reasonably calculated to provide actual notice, that the
4 county collector intends to declare an administrative sale in
5 error and of the reasons therefor, including documentation
6 sufficient to establish the reason why the sale should not have
7 occurred. The owner of the certificate of purchase may object
8 in writing within 28 days after the date of the mailing by the
9 county collector. If an objection is filed, the county
10 collector shall not administratively declare a sale in error,
11 but may apply to the circuit court for a sale in error as
12 provided in subsection (a) of this Section. Thirty days
13 following the receipt of notice by the last known owner of the
14 certificate of purchase, or within a reasonable time
15 thereafter, the county collector shall make a written
16 declaration, based upon clear and convincing evidence, that the
17 taxes were sold in error and shall deliver a copy thereof to
18 the county clerk within 30 days after the date the declaration
19 is made for entry in the tax judgment, sale, redemption, and
20 forfeiture record pursuant to subsection (d) of this Section.
21 The county collector shall promptly notify the last known owner
22 of the certificate of purchase of the declaration by regular
23 mail and shall promptly pay the amount of the tax sale,
24 together with interest and costs as provided in Section 21-315,
25 upon surrender of the original certificate of purchase.

26 (d) If a sale is declared to be a sale in error, the county

1 clerk shall make entry in the tax judgment, sale, redemption
2 and forfeiture record, that the property was erroneously sold,
3 and the county collector shall, on demand of the owner of the
4 certificate of purchase, refund the amount paid, except for the
5 nonrefundable \$80 fee paid, pursuant to Section 21-295, for
6 each item purchased at the tax sale, pay any interest and costs
7 as may be ordered under Sections 21-315 through 21-335, and
8 cancel the certificate so far as it relates to the property.
9 The county collector shall deduct from the accounts of the
10 appropriate taxing bodies their pro rata amounts paid.
11 Alternatively, for sales in error declared under subsection
12 (b) (2) or (b) (4), the county collector may request the circuit
13 court to direct the county clerk to record any assignment of
14 the tax certificate to or from the county collector without
15 charging a fee for the assignment. The owner of the certificate
16 of purchase shall receive all statutory refunds and payments.
17 The county collector shall deduct costs and payments in the
18 same manner as if a sale in error had occurred.

19 (Source: P.A. 100-890, eff. 1-1-19; 101-379, eff. 1-1-20.)

20 (35 ILCS 200/21-355)

21 Sec. 21-355. Amount of redemption. Any person desiring to
22 redeem shall deposit an amount specified in this Section with
23 the county clerk of the county in which the property is
24 situated, in legal money of the United States, or by cashier's
25 check, certified check, post office money order or money order

1 issued by a financial institution insured by an agency or
2 instrumentality of the United States, payable to the county
3 clerk of the proper county. The deposit shall be deemed timely
4 only if actually received in person at the county clerk's
5 office prior to the close of business as defined in Section
6 3-2007 of the Counties Code on or before the expiration of the
7 period of redemption or by United States mail with a post
8 office cancellation mark dated not less than one day prior to
9 the expiration of the period of redemption. The deposit shall
10 be in an amount equal to the total of the following:

11 (a) the certificate amount, which shall include all tax
12 principal, special assessments, interest and penalties
13 paid by the tax purchaser together with costs and fees of
14 sale and fees paid under Sections 21-295 and 21-315 through
15 21-335, except for the nonrefundable \$80 fee paid, pursuant
16 to Section 21-295, for each item purchased at the tax sale;

17 (b) the accrued penalty, computed through the date of
18 redemption as a percentage of the certificate amount, as
19 follows:

20 (1) if the redemption occurs on or before the
21 expiration of 6 months from the date of sale, the
22 certificate amount times the penalty bid at sale;

23 (2) if the redemption occurs after 6 months from
24 the date of sale, and on or before the expiration of 12
25 months from the date of sale, the certificate amount
26 times 2 times the penalty bid at sale;

1 (3) if the redemption occurs after 12 months from
2 the date of sale and on or before the expiration of 18
3 months from the date of sale, the certificate amount
4 times 3 times the penalty bid at sale;

5 (4) if the redemption occurs after 18 months from
6 the date of sale and on or before the expiration of 24
7 months from the date of sale, the certificate amount
8 times 4 times the penalty bid at sale;

9 (5) if the redemption occurs after 24 months from
10 the date of sale and on or before the expiration of 30
11 months from the date of sale, the certificate amount
12 times 5 times the penalty bid at sale;

13 (6) if the redemption occurs after 30 months from
14 the date of sale and on or before the expiration of 36
15 months from the date of sale, the certificate amount
16 times 6 times the penalty bid at sale.

17 In the event that the property to be redeemed has
18 been purchased under Section 21-405, the penalty bid
19 shall be 12% per penalty period as set forth in
20 subparagraphs (1) through (6) of this subsection (b).
21 The changes to this subdivision (b)(6) made by this
22 amendatory Act of the 91st General Assembly are not a
23 new enactment, but declaratory of existing law.

24 (c) The total of all taxes, special assessments,
25 accrued interest on those taxes and special assessments and
26 costs charged in connection with the payment of those taxes

1 or special assessments, except for the nonrefundable \$80
2 fee paid, pursuant to Section 21-295, for each item
3 purchased at the tax sale, which have been paid by the tax
4 certificate holder on or after the date those taxes or
5 special assessments became delinquent together with 12%
6 penalty on each amount so paid for each year or portion
7 thereof intervening between the date of that payment and
8 the date of redemption. In counties with less than
9 3,000,000 inhabitants, however, a tax certificate holder
10 may not pay all or part of an installment of a subsequent
11 tax or special assessment for any year, nor shall any
12 tender of such a payment be accepted, until after the
13 second or final installment of the subsequent tax or
14 special assessment has become delinquent or until after the
15 holder of the certificate of purchase has filed a petition
16 for a tax deed under Section 22.30. The person redeeming
17 shall also pay the amount of interest charged on the
18 subsequent tax or special assessment and paid as a penalty
19 by the tax certificate holder. This amendatory Act of 1995
20 applies to tax years beginning with the 1995 taxes, payable
21 in 1996, and thereafter.

22 (d) Any amount paid to redeem a forfeiture occurring
23 subsequent to the tax sale together with 12% penalty
24 thereon for each year or portion thereof intervening
25 between the date of the forfeiture redemption and the date
26 of redemption from the sale.

1 (e) Any amount paid by the certificate holder for
2 redemption of a subsequently occurring tax sale.

3 (f) All fees paid to the county clerk under Section
4 22-5.

5 (g) All fees paid to the registrar of titles incident
6 to registering the tax certificate in compliance with the
7 Registered Titles (Torrens) Act.

8 (h) All fees paid to the circuit clerk and the sheriff,
9 a licensed or registered private detective, or the coroner
10 in connection with the filing of the petition for tax deed
11 and service of notices under Sections 22-15 through 22-30
12 and 22-40 in addition to (1) a fee of \$35 if a petition for
13 tax deed has been filed, which fee shall be posted to the
14 tax judgement, sale, redemption, and forfeiture record, to
15 be paid to the purchaser or his or her assignee; (2) a fee
16 of \$4 if a notice under Section 22-5 has been filed, which
17 fee shall be posted to the tax judgment, sale, redemption,
18 and forfeiture record, to be paid to the purchaser or his
19 or her assignee; (3) all costs paid to record a lis pendens
20 notice in connection with filing a petition under this
21 Code; and (4) if a petition for tax deed has been filed,
22 all fees up to \$150 per redemption paid to a registered or
23 licensed title insurance company or title insurance agent
24 for a title search to identify all owners, parties
25 interested, and occupants of the property, to be paid to
26 the purchaser or his or her assignee. The fees in (1) and

1 (2) of this paragraph (h) shall be exempt from the posting
2 requirements of Section 21-360. The costs incurred in
3 causing notices to be served by a licensed or registered
4 private detective under Section 22-15, may not exceed the
5 amount that the sheriff would be authorized by law to
6 charge if those notices had been served by the sheriff.

7 (i) All fees paid for publication of notice of the tax
8 sale in accordance with Section 22-20.

9 (j) All sums paid to any county, city, village or
10 incorporated town for reimbursement under Section 22-35.

11 (k) All costs and expenses of receivership under
12 Section 21-410, to the extent that these costs and expenses
13 exceed any income from the property in question, if the
14 costs and expenditures have been approved by the court
15 appointing the receiver and a certified copy of the order
16 or approval is filed and posted by the certificate holder
17 with the county clerk. Only actual costs expended may be
18 posted on the tax judgment, sale, redemption and forfeiture
19 record.

20 (Source: P.A. 98-1162, eff. 6-1-15.)

21 Article 5.

22 Section 5-5. The Housing Authorities Act is amended by
23 changing Sections 8.23, 17, and 25 and by adding Sections
24 8.10a, 25.01, and 25.02 as follows:

1 (310 ILCS 10/8.10a new)

2 Sec. 8.10a. Criminal history record data.

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

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

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

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

17 (4) the number of criminal records assessment hearings
18 requested by applicants for housing who were denied
19 federally assisted housing on the basis of a criminal
20 history records check; and

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

24 (b) The information required in this Section shall be
25 disaggregated by the race, ethnicity, and sex of applicants for

1 housing. This information shall be reported to the Illinois
2 Criminal Justice Information Authority and shall be compiled
3 and reported to the General Assembly annually by the Illinois
4 Criminal Justice Information Authority. The Illinois Criminal
5 Justice Information Authority shall also make this report
6 publicly available, including on its website, without fee.

7 (310 ILCS 10/8.23)

8 Sec. 8.23. Notification to leaseholders of the prospective
9 presence of individuals with a felony conviction ~~felons~~ in
10 housing authority facilities; eviction.

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

19 (b) The Authority may not evict the leaseholder described
20 in subsection (a) of this Section unless (i) federal law
21 prohibits the individual with a felony conviction from residing
22 at a housing facility owned, managed, operated, or leased by
23 the Authority and (ii) the Authority proves by a preponderance
24 of the evidence that the leaseholder had knowledge of and
25 consents to the individual's ~~felon's~~ intent to reside at the

1 leaseholder's address.

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

3 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

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

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

12 (b) "Area" or "area of operation" shall mean: (1) in the
13 case of an authority which is created hereunder for a city,
14 village, or incorporated town, the area within the territorial
15 boundaries of said city, village, or incorporated town, and so
16 long as no county housing authority has jurisdiction therein,
17 the area within three miles from such territorial boundaries,
18 except any part of such area located within the territorial
19 boundaries of any other city, village, or incorporated town;
20 and (2) in the case of a county shall include all of the county
21 except the area of any city, village or incorporated town
22 located therein in which there is an Authority. When an
23 authority is created for a county subsequent to the creation of
24 an authority for a city, village or incorporated town within
25 the same county, the area of operation of the authority for

1 such city, village or incorporated town shall thereafter be
2 limited to the territory of such city, village or incorporated
3 town, but the authority for such city, village or incorporated
4 town may continue to operate any project developed in whole or
5 in part in an area previously a part of its area of operation,
6 or may contract with the county housing authority with respect
7 to the sale, lease, development or administration of such
8 project. When an authority is created for a city, village or
9 incorporated town subsequent to the creation of a county
10 housing authority which previously included such city, village
11 or incorporated town within its area of operation, such county
12 housing authority shall have no power to create any additional
13 project within the city, village or incorporated town, but any
14 existing project in the city, village or incorporated town
15 currently owned and operated by the county housing authority
16 shall remain in the ownership, operation, custody and control
17 of the county housing authority.

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

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

25 (c) "Presiding officer" shall mean the presiding officer of
26 the board of a county, or the mayor or president of a city,

1 village or incorporated town, as the case may be, for which an
2 Authority is created hereunder.

3 (d) "Commissioner" shall mean one of the members of an
4 Authority appointed in accordance with the provisions of this
5 Act.

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

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

11 (g) "Project" shall include all lands, buildings, and
12 improvements, acquired, owned, leased, managed or operated by a
13 housing authority, and all buildings and improvements
14 constructed, reconstructed or repaired by a housing authority,
15 designed to provide housing accommodations and facilities
16 appurtenant thereto (including community facilities and
17 stores) which are planned as a unit, whether or not acquired or
18 constructed at one time even though all or a portion of the
19 buildings are not contiguous or adjacent to one another; and
20 the planning of buildings and improvements, the acquisition of
21 property, the demolition of existing structures, the clearing
22 of land, the construction, reconstruction, and repair of
23 buildings or improvements and all other work in connection
24 therewith. As provided in Sections 8.14 to 8.18, inclusive,
25 "project" also means, for Housing Authorities for
26 municipalities of less than 500,000 population and for

1 counties, the conservation of urban areas in accordance with an
2 approved conservation plan. "Project" shall also include (1)
3 acquisition of (i) a slum or blighted area or a deteriorated or
4 deteriorating area which is predominantly residential in
5 character, or (ii) any other deteriorated or deteriorating area
6 which is to be developed or redeveloped for predominantly
7 residential uses, or (iii) platted urban or suburban land which
8 is predominantly open and which because of obsolete platting,
9 diversity of ownership, deterioration of structures or of site
10 improvements, or otherwise substantially impairs or arrests
11 the sound growth of the community and which is to be developed
12 for predominantly residential uses, or (iv) open unplatted
13 urban or suburban land necessary for sound community growth
14 which is to be developed for predominantly residential uses, or
15 (v) any other area where parcels of land remain undeveloped
16 because of improper platting, delinquent taxes or special
17 assessments, scattered or uncertain ownerships, clouds on
18 title, artificial values due to excessive utility costs, or any
19 other impediments to the use of such area for predominantly
20 residential uses; (2) installation, construction, or
21 reconstruction of streets, utilities, and other site
22 improvements essential to the preparation of sites for uses in
23 accordance with the development or redevelopment plan; and (3)
24 making the land available for development or redevelopment by
25 private enterprise or public agencies (including sale, initial
26 leasing, or retention by the local public agency itself). If in

1 any city, village or incorporated town there exists a land
2 clearance commission created under the "Blighted Areas
3 Redevelopment Act of 1947" having the same area of operation as
4 a housing authority created in and for any such municipality
5 such housing authority shall have no power to acquire land of
6 the character described in subparagraph (iii), (iv) or (v) of
7 paragraph 1 of the definition of "project" for the purpose of
8 development or redevelopment by private enterprise.

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

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

20 (j) The term "governing body" shall include the city
21 council of any city, the president and board of trustees of any
22 village or incorporated town, the council of any city or
23 village, and the county board of any county.

24 (k) The phrase "individual, association, corporation or
25 organization" shall include any individual, private
26 corporation, limited or general partnership, limited liability

1 company, insurance company, housing corporation, neighborhood
2 redevelopment corporation, non-profit corporation,
3 incorporated or unincorporated group or association,
4 educational institution, hospital, or charitable organization,
5 and any mutual ownership or cooperative organization.

6 (l) "Conservation area", for the purpose of the exercise of
7 the powers granted in Sections 8.14 to 8.18, inclusive, for
8 housing authorities for municipalities of less than 500,000
9 population and for counties, means an area of not less than 2
10 acres in which the structures in 50% or more of the area are
11 residential having an average age of 35 years or more. Such an
12 area is not yet a slum or blighted area as defined in the
13 Blighted Areas Redevelopment Act of 1947, but such an area by
14 reason of dilapidation, obsolescence, deterioration or illegal
15 use of individual structures, overcrowding of structures and
16 community facilities, conversion of residential units into
17 non-residential use, deleterious land use or layout, decline of
18 physical maintenance, lack of community planning, or any
19 combination of these factors may become a slum and blighted
20 area.

21 (m) "Conservation plan" means the comprehensive program
22 for the physical development and replanning of a "Conservation
23 Area" as defined in paragraph (l) embodying the steps required
24 to prevent such Conservation Area from becoming a slum and
25 blighted area.

26 (n) "Fair use value" means the fair cash market value of

1 real property when employed for the use contemplated by a
2 "Conservation Plan" in municipalities of less than 500,000
3 population and in counties.

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

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

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

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

22 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

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

1 selection:

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

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

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

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

25 ~~(e) It may refuse to certify or recertify applicants,~~
26 ~~current tenants, or other household members if, after due~~

1 ~~notice and an impartial hearing, that person or any of the~~
2 ~~proposed occupants of the dwelling has, prior to or during a~~
3 ~~term of tenancy or occupancy in any housing project operated by~~
4 ~~an Authority, been convicted of a criminal offense relating to~~
5 ~~the sale or distribution of controlled substances under the~~
6 ~~laws of this State, the United States or any other state.~~ If an
7 Authority desires a criminal history records check of all 50
8 states or a 50-state confirmation of a conviction record, the
9 Authority shall submit the fingerprints of the relevant
10 applicant, tenant, or other household member to the Department
11 of State Police in a manner prescribed by the Department of
12 State Police. These fingerprints shall be checked against the
13 fingerprint records now and hereafter filed in the Department
14 of State Police and Federal Bureau of Investigation criminal
15 history records databases. The Department of State Police shall
16 charge a fee for conducting the criminal history records check,
17 which shall be deposited in the State Police Services Fund and
18 shall not exceed the actual cost of the records check. The
19 Department of State Police shall furnish pursuant to positive
20 identification, records of conviction to the Authority. An
21 Authority that requests a criminal history report of an
22 applicant or other household member shall inform the applicant
23 at the time of the request that the applicant or other
24 household member may provide additional mitigating information
25 for consideration with the application for housing.

26 (e-5) Criminal history record assessment. The Authority

1 shall use the following process when evaluating the criminal
2 history report of an applicant or other household member to
3 determine whether to rent or lease to the applicant:

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

7 (A) an arrest or detention;

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

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

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

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

18 (F) convictions occurring more than 180 days prior
19 to the date the applicant submitted his or her
20 application for housing.

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

23 (A) the reviewer shall examine the applicant's or
24 other household member's criminal history report and
25 report only those records not prohibited under
26 paragraph (1) to the person or persons making the

1 decision about whether to offer housing to the
2 applicant; and

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

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

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

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

16 (f) It may, if a tenant has created or maintained a threat
17 constituting a serious and clear danger to the health or safety
18 of other tenants or Authority employees, after 3 days' written
19 notice of termination and without a hearing, file suit against
20 any such tenant for recovery of possession of the premises. The
21 tenant shall be given the opportunity to contest the
22 termination in the court proceedings. A serious and clear
23 danger to the health or safety of other tenants or Authority
24 employees shall include, but not be limited to, any of the
25 following activities of the tenant or of any other person on
26 the premises with the consent of the tenant:

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

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

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

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

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

16 Nothing contained in this Section or any other Section of
17 this Act shall be construed as limiting the power of an
18 Authority to vest in a bondholder or trustee the right, in the
19 event of a default by the Authority, to take possession and
20 operate a housing project or cause the appointment of a
21 receiver thereof, free from all restrictions imposed by this
22 Section or any other Section of this Act.

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

24 (310 ILCS 10/25.01 new)

25 Sec. 25.01. Notification. Before denying an applicant's

1 housing application based, in whole or in part, on a criminal
2 history record permitted under this Act, the Authority shall
3 provide the opportunity for an individual assessment. The
4 applicant for housing shall be provided with a clear, written
5 notice that:

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

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

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

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

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

1 denied; and

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

4 (310 ILCS 10/25.02 new)

5 Sec. 25.02. Criminal records assessment hearing.

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

12 (1) contest the accuracy of the criminal history
13 record;

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

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

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

24 (c) The Authority shall adopt rules for criminal records
25 assessment hearings in accordance with Article 10 of the

1 Illinois Administrative Procedure Act.

2 Article 99.

3 Section 99-99. Effective date. This Act takes effect upon
4 becoming law.