



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2973

Introduced 2/4/2020, by Sen. Linda Holmes

#### SYNOPSIS AS INTRODUCED:

310 ILCS 10/25	from Ch. 67 1/2, par. 25
310 ILCS 65/10	from Ch. 67 1/2, par. 1260
310 ILCS 65/18 new	

Amends the Housing Authorities Act. In provisions concerning the duties of a Housing Authority concerning rentals and tenant selection, provides that a Housing Authority shall not restrict any tenant from owning or maintaining one or more common household pets within the tenant's dwelling unit. Amends the Illinois Affordable Housing Act. Provides that a tenant of housing acquired, constructed, or rehabilitated with any money from the Illinois Affordable Housing Trust Fund that was designated for affordable housing for low and very low-income families shall be allowed to keep one or more common household pets, such as a dog or cat, regardless of breed, size, or weight within the tenant's residence in accordance with any applicable laws. Exempts service animals or service animals in training and any dog that has been deemed a dangerous or vicious dog from the provisions of the amendatory Act. Sets forth enforcement policies for affordable housing projects that allow residents to keep pets. Effective immediately.

LRB101 17851 KTG 67286 b

1 AN ACT concerning housing.

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

4 Section 5. The Housing Authorities Act is amended by  
5 changing Section 25 as follows:

6 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

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

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

20 (b) It may rent or lease the dwelling accommodations  
21 therein only at rentals within the financial reach of persons  
22 who lack the amount of income which it determines (pursuant to  
23 (a) of this Section) to be necessary in order to obtain safe,

1 sanitary and uncongested dwelling accommodations within the  
2 area of operation of the Authority and to provide an adequate  
3 standard of living.

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

8 (d) It shall not change the residency preference of any  
9 prospective tenant once the application has been accepted by  
10 the authority.

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

1 history records databases. The Department of State Police shall  
2 charge a fee for conducting the criminal history records check,  
3 which shall be deposited in the State Police Services Fund and  
4 shall not exceed the actual cost of the records check. The  
5 Department of State Police shall furnish pursuant to positive  
6 identification, records of conviction to the Authority.

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

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

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

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

1 or pursuant to a valid prescription.

2 (4) Streetgang membership as defined in the Illinois  
3 Streetgang Terrorism Omnibus Prevention Act.

4 (g) It shall not restrict any tenant from owning or  
5 maintaining one or more common household pets within the  
6 tenant's dwelling unit.

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

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

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

18 Section 10. The Illinois Affordable Housing Act is amended  
19 by changing Section 10 and by adding Section 18 as follows:

20 (310 ILCS 65/10) (from Ch. 67 1/2, par. 1260)

21 Sec. 10. Trust Fund restrictions and stipulations. (a) All  
22 housing financed and all assistance provided from the Trust  
23 Fund shall be available to all eligible persons regardless of  
24 race, color, ancestry, unfavorable military discharge,

1 familial status, marital status, national origin, religion,  
2 creed, sex, age, or disability.

3 (b) There shall be, on all assisted housing, a deed  
4 restriction, agreement, or other legal document which provides  
5 for the recapture of assistance upon terms and conditions to be  
6 specified in rules and regulations promulgated by the Program  
7 Administrator.

8 (c) Loans made by the Trust Fund may be at no interest or  
9 at below market interest rates, with or without security, and  
10 may include loans for predevelopment financing.

11 (d) Assistance may be provided for housing units for low  
12 and very low-income households within multi-family housing  
13 which is occupied partly by low and very low-income households  
14 and partly by households not qualifying as low or very  
15 low-income, subject to rules and regulations promulgated by the  
16 Program Administrator.

17 (e) Except to the extent provided in rules and regulations  
18 promulgated by the Program Administrator, no household shall be  
19 required to vacate or move from any assisted housing as a  
20 result of ceasing to qualify as a low or very low-income  
21 household under this Act.

22 (f) Rates not to exceed fair market rental may be charged  
23 to any person or household which occupies any single family  
24 housing or unit of multi-family housing for the period that  
25 person or household does not qualify as low or very low-income.

26 (g) All housing assisted by the Trust Fund shall provide a

1 residential antidisplacement and relocation assistance plan  
2 consistent with Section 507 of the federal Housing and  
3 Community Development Act of 1987.

4 (h) Multi-family housing assisted by the Trust Fund shall  
5 be prohibited from refusing to accept tenants for occupancy  
6 solely because the tenant receives governmental rental  
7 assistance.

8 (i) Trust Fund assisted multi-family housing is prohibited  
9 from evicting tenants without good cause.

10 (j) Assistance may be provided to housing whether or not  
11 such housing satisfies the definition of a "qualified  
12 residential rental project" set forth in Section 142 of the  
13 Internal Revenue Code of 1986, as amended.

14 (k) Housing assisted by the Trust Fund shall be required to  
15 meet energy efficiency standards which shall be established by  
16 the Program Administrator. Any review for affordability of  
17 assisted housing must include a review of energy costs.

18 (l) Manufactured housing which is manufactured entirely  
19 within the State shall be given priority over housing  
20 manufactured in whole or in part outside of the State.

21 (m) It is intended that Trust Fund monies not be used to  
22 supplant existing resources and that the Trust Fund shall be a  
23 funder of last resort.

24 (n) Prior to application of Trust Fund assets to provide  
25 assistance to affordable housing under this Act, Trust Fund  
26 assets may be invested in mortgage participation certificates

1 representing undivided interests in specified, first-lien  
2 conventional residential Illinois mortgages which are  
3 underwritten, insured, guaranteed or purchased by the Federal  
4 Home Loan Mortgage Corporation. Trust Fund assets may also be  
5 used in such investments as may be lawful for fiduciaries in  
6 this State or in such investments which shall reduce the risk  
7 associated with fluctuations in interest rates or market price  
8 of investments.

9 (o) A tenant of housing acquired, constructed, or  
10 rehabilitated with any money from the Trust Fund that was  
11 designated for affordable housing for low and very low-income  
12 families shall be allowed to keep one or more common household  
13 pets, such as a dog or cat, regardless of breed, size, or  
14 weight within the tenant's residence in accordance with any  
15 applicable laws. This subsection does not apply to service  
16 animals or service animals in training or to any dog that has  
17 been deemed a dangerous or vicious dog as provided under the  
18 Animal Control Act.

19 (Source: P.A. 89-286, eff. 8-10-95.)

20 (310 ILCS 65/18 new)

21 Sec. 18. Pets in affordable housing projects.

22 (a) As used in this Section, "common household pet" means a  
23 domesticated animal, such as a dog (canis lupus familiaris) or  
24 cat (felis catus) which is commonly kept in the home for  
25 pleasure rather than for commercial purposes.



1       (b) The enforcement of policies relating to keeping a pet  
2 within a residence shall include:

3           (1) compliance with noise and sanitation standards;

4           (2) registration of the common household pet with the  
5 owner of the residential housing;

6           (3) restraint of the common household pet in common  
7 areas of the residential housing;

8           (4) timely removal of common household pet excrement;

9           (5) vaccination and sterilization requirements; and

10          (6) enforcement of violations of the policy.

11       (c) Notwithstanding any other law to the contrary, a  
12 housing provider shall not be liable for injuries caused by an  
13 owner's common household pet permitted on the housing  
14 provider's property.

15       (d) Nothing in this Section shall be construed to limit or  
16 otherwise affect other statutes or laws that require reasonable  
17 accommodations to be made for an individual with a disability  
18 who maintains an animal to provide assistance, service, or  
19 support.

20       Section 99. Effective date. This Act takes effect upon  
21 becoming law.