



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0154

Introduced 2/9/2021, 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 regardless of breed, size, or weight, within the tenant's dwelling unit. Amends the Illinois Affordable Housing Act. Provides that a tenant of multifamily rental 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 no more than 4 cats or 3 dogs 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 from the provisions of the amendatory Act. Exempts 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.

LRB102 10411 KTG 15738 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
10 tenant 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
16 by an Authority, been convicted of a criminal offense relating
17 to 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
2 shall charge a fee for conducting the criminal history records
3 check, which shall be deposited in the State Police Services
4 Fund and shall not exceed the actual cost of the records check.
5 The Department of State Police shall furnish pursuant to
6 positive identification, records of conviction to the
7 Authority.

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

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

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

24 (3) Possession of a controlled substance by the tenant
25 or any other person on the premises with the consent of the
26 tenant if the tenant knew or should have known of the

1 possession by the other person of a controlled substance,
2 unless the controlled substance was obtained directly from
3 or pursuant to a valid prescription.

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

6 (g) It shall not restrict any tenant from owning or
7 maintaining one or more common household pets regardless of
8 breed, size, or weight, within the tenant's dwelling unit.

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

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

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

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

22 (310 ILCS 65/10) (from Ch. 67 1/2, par. 1260)

23 Sec. 10. Trust Fund restrictions and stipulations. (a) All
24 housing financed and all assistance provided from the Trust

1 Fund shall be available to all eligible persons regardless of
2 race, color, ancestry, unfavorable military discharge,
3 familial status, marital status, national origin, religion,
4 creed, sex, age, or disability.

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

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

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

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

24 (f) Rates not to exceed fair market rental may be charged
25 to any person or household which occupies any single family
26 housing or unit of multi-family housing for the period that

1 person or household does not qualify as low or very
2 low-income.

3 (g) All housing assisted by the Trust Fund shall provide a
4 residential antidisplacement and relocation assistance plan
5 consistent with Section 507 of the federal Housing and
6 Community Development Act of 1987.

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

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

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

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

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

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

1 (n) Prior to application of Trust Fund assets to provide
2 assistance to affordable housing under this Act, Trust Fund
3 assets may be invested in mortgage participation certificates
4 representing undivided interests in specified, first-lien
5 conventional residential Illinois mortgages which are
6 underwritten, insured, guaranteed or purchased by the Federal
7 Home Loan Mortgage Corporation. Trust Fund assets may also be
8 used in such investments as may be lawful for fiduciaries in
9 this State or in such investments which shall reduce the risk
10 associated with fluctuations in interest rates or market price
11 of investments.

12 (o) A tenant of multifamily rental housing acquired,
13 constructed, or rehabilitated with any money from the Trust
14 Fund that was designated for affordable housing for low and
15 very low-income families shall be allowed to keep no more than
16 4 cats or 3 dogs regardless of breed, size, or weight within
17 the tenant's residence in accordance with any applicable laws.
18 This subsection does not apply to service animals or service
19 animals in training or to any dog that has been deemed a
20 dangerous or vicious dog as provided under the Animal Control
21 Act.

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

23 (310 ILCS 65/18 new)

24 Sec. 18. Pets in affordable housing projects.

25 (a) As used in this Section, "common household pet" means

1 a domesticated animal, such as a dog (canis lupus familiaris)
2 or cat (felis catus) which is commonly kept in the home for
3 pleasure rather than for commercial purposes.

4 (b) The enforcement of policies relating to keeping a pet
5 within a residence may include:

6 (1) compliance with noise and sanitation standards;

7 (2) registration of the common household pet with the
8 owner of the residential housing;

9 (3) restraint of the common household pet in common
10 areas of the residential housing;

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

12 (5) vaccination and sterilization requirements; and

13 (6) enforcement of violations of the policy.

14 (c) Notwithstanding any other law to the contrary, a
15 housing provider shall not be liable for injuries caused by an
16 owner's common household pet permitted on the housing
17 provider's property, except in cases of willful and wanton
18 misconduct.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.