



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5551

Introduced 2/15/2012, by Rep. Cynthia Soto

SYNOPSIS AS INTRODUCED:

310 ILCS 10/8.4	from Ch. 67 1/2, par. 8.4
310 ILCS 10/8.10	from Ch. 67 1/2, par. 8.10
310 ILCS 10/8.22	
310 ILCS 10/9	from Ch. 67 1/2, par. 9
310 ILCS 10/30	from Ch. 67 1/2, par. 27c
310 ILCS 10/8.11 rep.	

Amends the Housing Authorities Act. Requires every Housing Authority located in a municipality of less than 1,000,000 inhabitants (rather than every Housing Authority) to present as part of its annual report specified financial statements detailing expenditures and disbursements for each housing project. Requires housing authorities located in municipalities of more than 1,000,000 inhabitants to compile information required under the Act under regulations prescribed by the Department of Housing and Urban Development and to make such information available to the public upon request. Repeals a provision requiring the housing authorities to submit these statements to their respective city councils not later than 3 months following the close of the preceding fiscal year of the authorities. Makes other changes. Effective immediately.

LRB097 20494 KTG 66045 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 Sections 8.4, 8.10, 8.22, 9, and 30 as follows:

6 (310 ILCS 10/8.4) (from Ch. 67 1/2, par. 8.4)

7 Sec. 8.4. An Authority has power to borrow money upon its
8 bonds, notes, debentures, or other evidences of indebtedness
9 and to secure the same by pledges of its revenues, or in any
10 other manner, and in connection with any loan by a government,
11 to agree to limitations upon the exercise of any powers
12 conferred upon the Authority by this Act; to invest any funds
13 held in reserves or sinking funds, or in any funds not required
14 for immediate disbursement in State or Federal securities; to
15 make grants, loans, and advances on such terms as the Authority
16 shall determine, ~~subject to the approval of the Department,~~ to
17 any non-profit corporation referred to in Section 9 in order to
18 assist such non-profit corporation in planning, preparing,
19 constructing, reconstructing or improving housing to provide
20 an additional supply of decent, safe and sanitary dwellings.

21 (Source: P.A. 81-1509.)

22 (310 ILCS 10/8.10) (from Ch. 67 1/2, par. 8.10)

1 Sec. 8.10. As a part of its annual report, every Housing
2 Authority located in a municipality of less than 1,000,000
3 inhabitants shall present statements setting forth for each
4 project of the Housing Authority a balance sheet, a classified
5 statement of revenues and expenditures and of receipts and
6 disbursements and a surplus statement, and also a consolidated
7 balance sheet and consolidated classified statements of
8 revenues and expenditures, and of receipts and disbursements
9 and a surplus statement reflecting the financial status and
10 condition of the Housing Authority as a whole as of the close
11 of the immediately preceding fiscal year. All statements shall
12 be made separately for bond interest and retirement, capital
13 and operating accounts. The report for the Housing Authority in
14 any municipality containing over 500,000 inhabitants shall
15 also include a separate statement setting out the total amount
16 of rent received for, and the amount of money expended on, each
17 housing project as that term is defined in Section 17 (g) of
18 this Act under the jurisdiction of the Housing Authority and
19 shall also include a complete schedule of salaries in effect on
20 the date of the report and to whom such salaries are paid. The
21 report for Housing Authorities other than those in
22 municipalities containing over 500,000 inhabitants shall
23 include a separate statement setting out in detail the exact
24 amount of rent received for, and the amount of money expended
25 on, each housing project as that term is defined in Section 17
26 (g) of this Act under the jurisdiction of the Housing Authority

1 and shall also include a complete schedule of the salaries in
2 effect on the date of the report and to whom salaries are being
3 paid. All statements shall be made separately for bond interest
4 and retirement, capital and operating accounts. The annual
5 report of every Housing Authority shall also include the amount
6 or amounts of service charge or charges paid or proffered to
7 the County Collector or to the appropriate officer or officers,
8 of any municipal corporation in lieu of normal real estate
9 taxes, identified to show the year or years and project or
10 projects for which payment was made or proffered. The
11 requirements of this Section can be fulfilled by the filing of
12 an annual certified audit conducted in accordance with federal
13 Housing and Urban Development requirements with the presiding
14 officers and legislative authorities of the city, village,
15 incorporated town or county.

16 In addition to all other information required herein, the
17 Housing Authority in any municipality or county containing over
18 500,000 inhabitants shall prepare and maintain a summary
19 tabulation for each project for the period covered by the
20 annual report showing the number of and size of individual
21 housing accommodations; the number of units occupied by
22 families in the various income groups; the total number of
23 persons; the age group of the head of the household of
24 move-ins; the number of persons comprising the household; the
25 rent schedules for determining contract rents; and the number
26 of workers per family moving in; the year of admission of

1 families to public housing; the number of move-ins with the
2 size of family; income groups of families moving in; size of
3 unit occupied by families moving in or out; and information as
4 to family composition; and information as to number of families
5 receiving public assistance or social security benefits.

6 For housing authorities located in municipalities of more
7 than 1,000,000 inhabitants, information required by this
8 Section shall be compiled under regulations prescribed by the
9 Department of Housing and Urban Development and shall be made
10 available to the public upon request.

11 All housing authority annual reports containing
12 information required by this Section shall be a matter of
13 public record and shall be made available by the Housing
14 Authority, upon request, in a manner prescribed by the federal
15 Freedom of Information Act ~~on request, at any reasonable time~~
16 ~~without fee or reward.~~

17 (Source: P.A. 87-200.)

18 (310 ILCS 10/8.22)

19 Sec. 8.22. Determination of income.

20 (a) Exclusions from income. In determining the income of a
21 tenant for the purpose of determining rent, the Housing
22 Authority shall exclude the following as provided in subsection

23 (b):

24 (i) The amount of any income received by the tenant as
25 a result of anti-drug, anti-crime, and related security

1 initiatives conducted by the Housing Authority. Any
2 activities or income excluded under this subdivision (i)
3 must first be certified by the Housing Authority.

4 (ii) Any income earned by a tenant during the first 12
5 months of employment which follow a period of unemployment
6 of 12 or more consecutive months if:

7 (A) a period of unemployment of 12 or more
8 consecutive months or the income received within the 12
9 months prior to employment is less than 10 hours of
10 work per week at the established minimum wage; or

11 (B) the income earned during those 12 months is
12 received as a result of the tenant's participation in
13 any economic self-sufficiency or other job training
14 program; or

15 (C) the income earned during those 12 months is
16 earned by a tenant due to new employment or increased
17 earnings, during or within 6 months after receiving
18 assistance under a State program for temporary
19 assistance for needy families funded under Part A of
20 Title IV of the Social Security Act (42 U.S.C. 601 and
21 following), provided that the total amount of earned
22 income received by the tenant within the previous 6
23 months was at least \$500.

24 (b) Procedure for excluding income.

25 (i) Initial 12-month exclusion. Beginning on the first
26 date the tenant is employed or the first date the tenant's

1 family experiences an increase in annual income as
2 determined under subdivision (a)(ii) of this Section, the
3 Housing Authority must exclude the increase in annual
4 income for each month in which the increase is received,
5 but not for more than 12 months.

6 (ii) Second 12-month exclusion and phase-out. After
7 the initial 12-month exclusion period under subdivision
8 (b)(i) of this Section, the Housing Authority must exclude,
9 for each month in which the increase in income is received,
10 but not for more than 12 months, 50% of the increase in the
11 annual income that is received due to the tenant's
12 employment or the tenant's family experiencing an increase
13 in annual income under subdivision (a)(ii).

14 (iii) Maximum 48-month period for exclusions. The
15 exclusion of increases in income of an individual family
16 member as provided in subdivision (b)(i) or (b)(ii) of this
17 Section is limited to a lifetime 48-month period. The
18 exclusion applies for a maximum of 12 months for the
19 exclusion under subdivision (b)(i) and a maximum of 12
20 months for the exclusion under subdivision (b)(ii), during
21 the 48-month period starting with the beginning of the
22 initial exclusion period under subdivision (b)(i), which
23 immediately follows 12 or more months of unemployment.

24 (c) Inapplicability of income exclusions to admission
25 process. The exclusion of increases in income as a result of
26 employment under this Section for the purpose of determining

1 rent does not apply for purposes of determining eligibility for
2 admission to any housing ~~the~~ program (including determinations
3 of income eligibility and income targeting).

4 (d) Inapplicability of income exclusions to the HOME
5 Investment Partnership Program, Housing Opportunities for
6 Persons with AIDS, the Supportive Housing Program, and the
7 Housing Choice Voucher Program. The exclusion of increases in
8 income as a result of employment as provided under subsections
9 (a) and (b) of this Section is not applicable to the following
10 programs: the HOME Investment Partnership Program, Housing
11 Opportunities for Persons with AIDS, the Supportive Housing
12 Program, and the Housing Choice Voucher Program, except for a
13 tenant family member who is a person with disabilities as
14 defined in 42 U.S.C. 423.

15 (Source: P.A. 97-246, eff. 8-4-11.)

16 (310 ILCS 10/9) (from Ch. 67 1/2, par. 9)

17 Sec. 9. Whenever it shall be deemed necessary by an
18 Authority in connection with the exercise of its powers herein
19 conferred to take or acquire the fee of any real property in
20 the area of operation or any interest therein or right with
21 respect thereto, such Authority may acquire the same directly
22 or through its agent or agents from the owner or owners thereof
23 or may acquire the same by the exercise of eminent domain in
24 the manner provided by the Eminent Domain Act.

25 If any of such property is devoted to a public use it may

1 nevertheless be acquired, provided that no property belonging
2 to a government may be acquired without its consent and that no
3 property belonging to a corporation subject to the jurisdiction
4 of the Illinois Commerce Commission may be acquired without the
5 approval of the Illinois Commerce Commission.

6 The power of eminent domain shall apply not only to
7 improved or unimproved property which may be acquired for or as
8 an incident to the development or operation of a project or
9 projects, but also to: (a) any improved or unimproved property
10 the acquisition of which is necessary or appropriate for the
11 rehabilitation or redevelopment of any blighted or slum area,
12 or (b) any improved or unimproved property which the Authority
13 may require to carry out the provisions of this Act. Such power
14 may be exercised by the Housing Authority on its own initiative
15 or as an agent of the city, village, incorporated town, county
16 or counties, or any government, or for the purpose of sale or
17 lease to: (a) a housing corporation operating under "An Act in
18 relation to housing", approved July 12, 1933, as amended; (b)
19 neighborhood redevelopment corporations operating under the
20 "Neighborhood Redevelopment Corporation Law", approved July 9,
21 1941, as amended; (c) insurance companies operating under
22 Section 125a of the "Illinois Insurance Code", approved June
23 29, 1937, as amended; (d) non-profit corporations organized for
24 the purpose of constructing, managing and operating housing
25 projects and for the improvement of housing conditions,
26 including the rental or sale of housing units to persons in

1 need thereof; or to any other individual, association or
2 corporation desiring to engage in a development or
3 redevelopment project.

4 For housing authorities located within municipalities
5 having a population less than 1,000,000, no ~~no~~ sale or lease
6 shall be made hereunder to any of the aforesaid corporations,
7 associations or individuals unless a plan has been approved by
8 the Authority and the Department for the development or
9 redevelopment of such property and unless the purchaser or
10 lessee furnishes the Authority a bond, with satisfactory
11 sureties, in an amount not less than 10% of the cost of such
12 development or redevelopment, conditioned on the completion of
13 such development or redevelopment in accordance with the
14 approved plan; provided that the requirement of the bond may be
15 waived by the Department if it is satisfied of the financial
16 ability of the purchaser or lessee to complete such development
17 or redevelopment in accordance with the approved plan. To
18 further assure that the real property so sold or leased shall
19 be used in accordance with the plan, the Department may require
20 the purchaser or lessee to execute in writing such undertakings
21 as the Department deems necessary to obligate such purchaser or
22 lessee (1) to use the property for the purposes presented in
23 plans; (2) to commence and complete the building of the
24 improvements designated in the plan within the periods of time
25 that the Department fixes as reasonable; and (3) to comply with
26 such other conditions as are necessary to carry out the purpose

1 of this Act. Any such property may be sold pursuant to this
2 section for any legal consideration in an amount to be approved
3 by the Department.

4 If the area of operation of a housing authority includes a
5 city, village or incorporated town having a population in
6 excess of 500,000 as determined by the last preceding Federal
7 census, no real property or interest in real property shall be
8 acquired in such municipality by the housing authority until
9 such time as the housing authority has advised the governing
10 body of such municipality of the description of the real
11 property, or interest therein, proposed to be acquired, and the
12 governing body of the municipality has approved the acquisition
13 thereof by the housing authority.

14 A "blighted or slum area" means any area of not less, in
15 the aggregate, than one acre, excepting that in any
16 municipality having a population in excess of 500,000, as
17 determined by the last preceding Federal census, a "blighted or
18 slum area" means any area of not less in the aggregate of 2
19 acres which area, in either case, has been designated by
20 municipal ordinance or by the Authority as an integrated
21 project for rehabilitation, development or redevelopment,
22 where (a) buildings or improvements, by reason of dilapidation,
23 obsolescence, overcrowding, faulty arrangement or design, lack
24 of ventilation, light or sanitary facilities, excessive land
25 coverage, deleterious land use or layout or any combination of
26 these factors, are a detriment to public safety, health or

1 morals, or welfare, or (b) there exists platted land which is
2 predominantly open and which, because of obsolete platting,
3 diversity of ownership, deterioration of structures or of site
4 improvements, or otherwise substantially impairs or arrests
5 the sound growth of the community and which is to be developed
6 for predominantly residential uses, or (c) there exists open
7 unplatted land necessary for sound community growth which is to
8 be developed for predominantly residential uses, or (d) parcels
9 of land remain undeveloped because of improper platting,
10 delinquent taxes or special assessments, scattered or
11 uncertain ownerships, clouds on title, artificial values due to
12 excessive utility costs, or any other impediment to the use of
13 such area for predominantly residential uses; provided, that if
14 in any city, village or incorporated town there exists a land
15 clearance commission, created under the "Blighted Areas
16 Redevelopment Act of 1947", having the same area of operation
17 as a housing authority created in and for any such
18 municipality, such housing authority shall have no power to
19 acquire land of the character described in sub-paragraphs (b),
20 (c) or (d) of the definition of "blighted or slum area", in
21 this paragraph for the purpose of development or redevelopment
22 by private enterprise.

23 The Housing Authority shall have power to hold or use any
24 such property for uses authorized by this Act, or to sell,
25 lease or exchange such property as is not required for such
26 uses by the Authority. In case of sale or lease to other than a

1 public corporation or public agency, notice shall be given and
2 bids shall be received in the manner provided by Section
3 11-76-2 of the Illinois Municipal Code, as amended, and bids
4 may be accepted by vote of three of the five Commissioners of
5 the Authority; provided, however, that such requirement of
6 notice and bidding shall not apply to a sale or lease to any
7 individual, association or corporation described in the
8 preceding paragraph; nor to a sale or lease of an individual
9 dwelling unit in a project, to be used by the purchaser as a
10 dwelling for his family; nor to a sale or lease of a project or
11 part thereof to an association to be so used by its members. In
12 case of exchange of property for property privately owned,
13 three disinterested appraisers shall be appointed to appraise
14 the value of the property to be exchanged, and such exchange
15 shall not be made unless the property to be received by the
16 Authority is equal or greater in value than the property to be
17 exchanged therefor, or if less than such value, that the
18 difference shall be paid in money.

19 (Source: P.A. 94-1055, eff. 1-1-07.)

20 (310 ILCS 10/30) (from Ch. 67 1/2, par. 27c)

21 Sec. 30. Housing authorities may jointly exercise any or
22 all of the powers conferred on such housing authorities, for
23 the purpose of financing, planning, undertaking, constructing
24 or operating a housing project or projects located within the
25 "area of operation" of any one or more of such housing

1 authorities; and may with respect to each other exercise any
2 powers enumerated in "An Act in relation to aid of housing
3 projects and cooperation with housing authorities and the
4 Federal government by municipal corporations, political
5 subdivisions and other public bodies of this State", filed July
6 13, 1937, as amended, in addition to powers conferred by this
7 Act.

8 A housing authority may operate outside of its area of
9 operation (1) by contract with another housing authority, or
10 (2) by contract with a state public body not within the area of
11 operation of another housing authority,~~if the Department shall~~
12 ~~first have found a shortage of safe or sanitary dwellings~~
13 ~~within the area of such State public body, in the manner~~
14 ~~provided by Section 3 of this Act, and shall have issued a~~
15 ~~certificate to this effect to such housing authority and to~~
16 ~~such State public body.~~

17 (Source: P.A. 81-1509.)

18 (310 ILCS 10/8.11 rep.)

19 Section 10. The Housing Authorities Act is amended by
20 repealing Section 8.11.

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