

Frequently Asked Questions (FAQ) about Public Library Non-Resident Services

Illinois State Library August 2021

Currently, approximately 1 million people (right at 8% of the state's population) reside in areas that are not taxed for public library service.

This FAQ provides guidance from current statute and administrative rule.

1. In the context of public library service, what do the terms “non-resident” and “non-resident card” mean?

"Non-resident" means an individual residing in Illinois who does not have his or her principal residence within the public library service area. "Non-resident library card" means the library card purchased by an individual residing in an area not taxed for public library service from a participating public library. (23 Ill. Adm. Code 3050.10)

2. What are the responsibilities of a public library board when deciding whether to issue non-resident cards?

The public library board must decide annually whether to issue non-resident library cards during the ensuing 12 months. If they decide to issue non-resident cards, they must also decide which of three fee options will determine cost of the card from the library. (23 Ill. Adm. Code 3050.60)

Once these decisions have been made, the board shall notify the regional library system within 30 days and let them know if they will be participating in the non-resident program, along with the effective dates and fee formula. (23 Ill. Adm. Code 3050.20) The regional library systems, [IHLS](#) and [RAILS](#), maintain lists showing library participation. They also submit lists of participating and non-participating libraries, as of July 1 of each year, in their annual report submissions to the Illinois State Library. (23 Ill. Adm. Code 3050.30)

3. If there are not any unserved areas nearby, does a library still need to decide whether or not to issue non-resident cards every year?

Yes. The public library board of trustees shall annually take action to decide whether to issue non-resident library cards during the ensuing 12 months. (23 Ill. Adm. Code 3050.20) This decision needs to be made annually, even if there are not any nearby unserved areas.

4. May a public library choose not to participate in the non-resident card program?

Yes. Public libraries are not required to participate in the non-resident library card program. Non-participation in the non-resident library card program does not preclude a public library from applying for and receiving grant funds from the Illinois State Library as long as the public library complies with requirements of the specific grant program. (23 Ill. Adm. Code 3050.20 (e))

5. Is it possible for a library board to opt out of the non-resident program but allow its library foundation to purchase cards for non-residents?

No. The public library board of trustees shall annually take action to decide whether to issue non-resident library cards during the ensuing 12 months. (23 Ill. Adm. Code 3050.20 (a)) Once a library board opts out of the non-resident program, no non-resident cards can be issued.

6. Is a library allowed to issue a library card to a non-resident staff member at the library as a staff benefit?

Yes. Both the Illinois Local Library Act (75 ILCS 5/4-7 (7)) and the Public Library District Act of 1991 (75 ILCS 16/30-55.35 (a)) permit the library board to fix employee compensation. Since the term “compensation” is not defined, library boards may issue library cards to non-resident library employees as part of their compensation.

- 7. May a public library issue a pro-rated library card to a non-resident who wants to use the library for only a few months?**
No. The administrative rules specify that the non-resident card shall be issued for 12 months. (23 Ill. Adm. Code 3050.50 (a)) The Public Library District Act of 1991 and the Illinois Local Library Act also specify that the non-resident card fee be at least equal to that paid by the residents of the library service area. (75 ILCS 5/4-7 (12) and 75 ILCS 16/30-55.60)
- 8. May a non-resident pay for a card in installment payments?**
Yes. A board may allow non-residents to pay for a card in installments, but the library must take action to ensure that the full price of the card is collected.
- 9. May a library issue discounted non-resident cards based on financial need?**
No. The Public Library District Act of 1991 and the Illinois Local Library Act require that the non-resident card fee be at least equal to that paid by the residents of the library service area. (75 ILCS 5/4-7 (12) and 75 ILCS 16/30-55.60)
- 10. When issuing non-resident cards, should a library charge one fee for the whole household or separate fees for each individual obtaining a card?**
One fee should be charged for the whole household, since this would be equitable to what is being paid by a household within the library service area.
- 11. What limitations may a library place on loans and services to its non-resident card holders?**
None. A valid non-resident library card shall accord the non-resident cardholder all the services the issuing public library provides to its residents including reciprocal borrowing privileges. (23 Ill. Adm. Code 3050.40 (b))
- 12. May a person with a non-resident card participate in reciprocal borrowing?**
Yes. A valid non-resident library card shall accord the non-resident cardholder all the services the issuing public library provides to its residents including reciprocal borrowing privileges. (23 Ill. Adm. Code 3050.40 (b)). Equal treatment for both residents of a public library service area and those non-residents who choose to obtain a card for service at a participating library is the foundation of the non-resident card program.
- 13. What limitations may a library place on a non-resident card holder from another library?**
A public library may only impose the same reasonable restrictions permitted under the system's resource sharing policy ([IHLS Resource Sharing Policy](#) and [RAILS Resource Sharing Plan](#)) as are imposed on the resident card holders of other libraries. (23 Ill. Adm. Code 3050.40 (b))
- 14. Can a library charge non-resident cardholders for additional services above and beyond the loaning of materials?**
Yes, if the fee is equitably applied to both residents and non-residents then it is allowable to charge non-residents an additional fee and as long as the service does not fall within the definition of reciprocal access (23 Ill. Adm. Code 3030.110) or violate the regional library system's resource sharing policy ([IHLS Resource Sharing Policy](#) and [RAILS Resource Sharing Plan](#)).
- 15. Are libraries able to offer access to their electronic resources to non-resident patrons?**
Yes. Libraries may annually elect to offer non-residents access to E-Resources free of charge. The board may also decide which E-resources the card will allow the non-resident to access. E-resources access is separate from a traditional non-resident library card, and does not allow the non-resident to have the ability to check-out traditional circulating items; have access to interlibrary loan services; or the collections of other libraries in the state. (23 Ill. Adm. Code 3050.45)
- 16. A non-resident patron does not pay property taxes due to their status as a disabled veteran. Should they be charged for a non-resident card?**

No. A veteran with a service-connected disability of at least 70% who is exempt from paying property taxes on their primary residence due to the Homestead exemption for veterans with disabilities (35 ILCS 200/15-169 (b-3) (3)) is entitled to a non-resident library card without a fee. Furthermore, an unmarried surviving spouse of a veteran who previously qualified for the exemption, as well as an unmarried surviving spouse of a service member killed in action are also entitled to a non-resident card without payment of a fee. The qualifying veteran or surviving spouse must present documentation from the county where they reside that indicates their residence is exempt from paying property taxes. (35 ILCS 200/15 (c) (c-1))

17. Are disabled veterans who rent property in an unserved area able to get a non-resident card at no charge, as well?

Yes. The non-resident fee shall not apply to veterans with a service-related disability of at least 70% who do not own their principal residence and who reside outside of a public library service area. The veteran shall present documentation of disability of at least 70% from the U.S. Department of Veterans Affairs when applying for their non-resident card. The surviving spouse of a deceased disabled veteran who previously had the fee waived would not be eligible to have the non-resident fee waived after the death of the veteran. (23 Ill. Adm. Code 3050.60 (d) (5))

18. May a public library issue non-resident cards at no charge to all students in a school district?

Public library boards have the authority to enter into intergovernmental agreements to provide non-resident service to other private or public entities, such as a school district. Issuing cards to students who are non-residents of the public library service area on anything other than an individual basis requires a contract or intergovernmental agreement between the public library and the school district. This intergovernmental agreement between the public library board and the school district board must include the principle of equity of cost of services and the assumption of financial responsibility by the school district for any loss of or damage to library materials provided under the agreement.

19. What is Cards for Kids?

Once a library has opted to issue non-resident cards, the non-resident fee shall not be charged to non-resident pre-school (ages 3-5) through 12th grade students whose household income makes them eligible to receive free or reduced price lunches under the National School Lunch Program and the National School Breakfast Program, as determined by Income Eligibility Guidelines established by the U.S. Department of Agriculture (USDA). A qualifying student must present documentation from the school or school district that indicates the student's eligibility for free or reduced price meals.

The public library shall determine the applicability of the non-resident fee waiver to all non-resident students whose school or school district operates under the Community Eligible Provision (CEP) of the National School Lunch and School Breakfast Programs. The library has the option to waive the fee for all non-resident students who attend a school operating under CEP. If it is determined that the non-resident fee waiver does not apply to all students attending the school or school district that operates under CEP, the public library shall create a certification document that at a minimum includes current household size and current annualized income of that household. The form must be signed by an adult representative of the student applicant's household. The public library shall review the certification document and waive the non-resident fee for applicants whose household income indicates that they are eligible for free or reduced price school meals under the income thresholds annually determined by the US Department of Education. (23 Ill. Adm. Code 3050.75)

20. Do homeschool students qualify for free of charge public library services under Cards for Kids?

Yes, if the student applicant's household meets income eligibility guidelines. For homeschool students, the public library shall create a certification document that at a minimum includes current household size and current annualized income of that household and is signed by an

adult representative of the student applicant's household. The public library shall review the certification document and waive the non-resident fee for applicants whose household income indicates that they would be eligible for free or reduced price school meals under the income thresholds annually determined by the US Department of Agriculture. (23 Ill. Adm. Code 3050.75 (d))

21. What restrictions can a library place on a Cards for Kids non-resident card?

The library card shall accord the student cardholder all the services the issuing library provides its residents, including reciprocal borrowing. The library card shall be issued in compliance with any policy or guidelines that the public library board has implemented for issuance of cards to minors. (23 Ill. Adm. Code 3050.75 (f))

22. May a non-resident shop around for the least expensive library card?

No. A non-resident shall apply for a non-resident library card at the closest public library. The factor for determining the closest public library shall be the residence of the non-resident. Non-residents shall apply at the participating public library in the school district in which the non-resident has his or her principal residence unless, due to the commonality of community interests, library services at another library that is physically closer may better serve the needs of the non-resident. (23 Ill. Adm. Code 3050.25 (a))

23. If there are multiple participating libraries in the school district where the non-resident lives, are they able to choose which library to get a card at?

No. If there are two or more public libraries in the school district in which a non-resident resides, the participating public libraries in that school district, in cooperation with the applicable regional library systems, shall determine the appropriate library service area for non-residents to make application for a non-resident library card. (23 Ill. Adm. Code 3050.25 (b))

24. Where should a non-resident apply for service if there is not a participating library in the school district in which they reside?

If there is no participating public library in the school district in which the non-resident resides, the applicable regional library systems that serve the school district shall, in cooperation with participating libraries in the general area of the school district, determine the non-resident service area. The factor to be used for determining a non-resident service area shall be the commonality of community interests that influence the activities of all the residents of the service area. (23 Ill. Adm. Code 3050.25 (c)) The commonality of community interests means activities involving, but not limited to, education, retail, commercial, cultural, civic, health facilities, financial institutions and recreation. (23 Ill. Adm. Code 3050.10) The non-resident patron should be allowed to obtain a card at a library that best serves their needs.

The commonality of community interests also comes into play if the non-resident lives in a school district with one participating library, yet library services from another library that is physically closer may better serve the needs of the non-resident. (23 Ill. Adm. Code 3050.25 (a))

25. Can a non-resident who owns or leases commercial property in a library service area obtain a non-resident library card?

Yes. The non-resident fee shall be waived upon annual presentation of the most recent tax bill or a copy of the commercial lease of the taxable property that is within the library's service area. (75 ILCS 5/4-7 (12) and 75 ILCS 16/30-55.60)

26. Can libraries issue non-resident cards to people who live in other tax-supported public library services areas in Illinois?

The potential patron should be directed to the public library that has their principal residence within its boundaries. "Non-resident library card" means the library card purchased by an individual residing in an area not taxed for public library service from a participating public library. If a patron lives in an existing library service area, they would not be considered a "non-resident."

(23 Ill. Adm. Code 3050.10) Due to reciprocal borrowing, it should not be necessary to have cards at different libraries.

27. Can a non-resident obtain cards at more than one library?

The only instance where this would be allowable is if a patron owns or rents multiple residences or businesses that could make them eligible for a non-resident card at different libraries. While this might occur, in most cases it would not be necessary to have cards from different libraries due to reciprocal borrowing privileges.

28. Can Illinois public libraries issue cards to people whose primary residence is out-of-state?

No. The Illinois Administrative Code defines a non-resident as an individual residing in Illinois who does not have his or her principal residence within a public library service area. An individual out-of-state non-resident, without a temporary Illinois residence, seeking library privileges in Illinois should be advised to obtain services in their home state. (23 Ill. Adm. Code 3050.10)

29. A group home in an unserved area would like to buy a non-resident card so everyone who lives there gets service at the library. Is this allowable?

Yes. The library board could use its contracting authority to determine an alternative arrangement with the group home, as long as there is an equitable fee assessed for the service. (75 ILCS 5/4-7 (8) and 75 ILCS 16/30-55.40) Alternatively, residents of the group home could purchase non-resident cards on an individual or family basis.

SOURCES:

Illinois Local Library Act, 75 ILCS 5

Public Library District Act of 1991, 75 ILCS 16

23 Ill. Adm. Code 3030, The Illinois Library System Act

23 Ill. Adm. Code 3050, Public Library Non-Resident Services