



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5457

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/3-102	from Ch. 68, par. 3-102
775 ILCS 5/3-103	from Ch. 68, par. 3-103

Amends the Illinois Human Rights Act. Changes the Section concerning the declaration of policy to include preventing discrimination based on source of income. Defines "source of income" as the source of any lawful income or any lawful rent payment that can be verified as to its amount, length of time received, regularity, or receipt, including any subsidy authorized under Section 8 of the United States Housing Act of 1937 and any other local, State, or federal subsidy, grant, or benefit. Provides that it is a civil rights violation for an owner or any other person engaging in a real estate transaction, or a real estate broker or salesman, to engage in specified behaviors because of source of income. Effective immediately.

LRB101 20804 LNS 70499 b

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-102, 1-103, 3-102, 3-103, and 3-106 as
6 follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

8 Sec. 1-102. Declaration of Policy. It is the public policy
9 of this State:

10 (A) Freedom from Unlawful Discrimination. To secure for all
11 individuals within Illinois the freedom from discrimination
12 against any individual because of his or her race, color,
13 religion, sex, national origin, ancestry, age, order of
14 protection status, marital status, physical or mental
15 disability, military status, sexual orientation, pregnancy, or
16 unfavorable discharge from military service in connection with
17 employment, real estate transactions, access to financial
18 credit, and the availability of public accommodations.

19 (B) Freedom from Sexual Harassment-Employment and
20 Elementary, Secondary, and Higher Education. To prevent sexual
21 harassment in employment and sexual harassment in elementary,
22 secondary, and higher education.

23 (C) Freedom from Discrimination Based on Citizenship

1 Status-Employment. To prevent discrimination based on
2 citizenship status in employment.

3 (D) Freedom from Discrimination Based on Familial Status or
4 Source of Income-Real Estate Transactions. To prevent
5 discrimination based on familial status or source of income in
6 real estate transactions.

7 (E) Public Health, Welfare and Safety. To promote the
8 public health, welfare and safety by protecting the interest of
9 all people in Illinois in maintaining personal dignity, in
10 realizing their full productive capacities, and in furthering
11 their interests, rights and privileges as citizens of this
12 State.

13 (F) Implementation of Constitutional Guarantees. To secure
14 and guarantee the rights established by Sections 17, 18 and 19
15 of Article I of the Illinois Constitution of 1970.

16 (G) Equal Opportunity, Affirmative Action. To establish
17 Equal Opportunity and Affirmative Action as the policies of
18 this State in all of its decisions, programs and activities,
19 and to assure that all State departments, boards, commissions
20 and instrumentalities rigorously take affirmative action to
21 provide equality of opportunity and eliminate the effects of
22 past discrimination in the internal affairs of State government
23 and in their relations with the public.

24 (H) Unfounded Charges. To protect citizens of this State
25 against unfounded charges of unlawful discrimination, sexual
26 harassment in employment and sexual harassment in elementary,

1 secondary, and higher education, and discrimination based on
2 citizenship status in employment.

3 (Source: P.A. 98-1050, eff. 1-1-15.)

4 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

5 Sec. 1-103. General definitions. When used in this Act,
6 unless the context requires otherwise, the term:

7 (A) Age. "Age" means the chronological age of a person who
8 is at least 40 years old, except with regard to any practice
9 described in Section 2-102, insofar as that practice concerns
10 training or apprenticeship programs. In the case of training or
11 apprenticeship programs, for the purposes of Section 2-102,
12 "age" means the chronological age of a person who is 18 but not
13 yet 40 years old.

14 (B) Aggrieved party. "Aggrieved party" means a person who
15 is alleged or proved to have been injured by a civil rights
16 violation or believes he or she will be injured by a civil
17 rights violation under Article 3 that is about to occur.

18 (B-5) Arrest record. "Arrest record" means:

19 (1) an arrest not leading to a conviction;

20 (2) a juvenile record; or

21 (3) criminal history record information ordered
22 expunged, sealed, or impounded under Section 5.2 of the
23 Criminal Identification Act.

24 (C) Charge. "Charge" means an allegation filed with the
25 Department by an aggrieved party or initiated by the Department

1 under its authority.

2 (D) Civil rights violation. "Civil rights violation"
3 includes and shall be limited to only those specific acts set
4 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
5 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
6 6-101, and 6-102 of this Act.

7 (E) Commission. "Commission" means the Human Rights
8 Commission created by this Act.

9 (F) Complaint. "Complaint" means the formal pleading filed
10 by the Department with the Commission following an
11 investigation and finding of substantial evidence of a civil
12 rights violation.

13 (G) Complainant. "Complainant" means a person including
14 the Department who files a charge of civil rights violation
15 with the Department or the Commission.

16 (H) Department. "Department" means the Department of Human
17 Rights created by this Act.

18 (I) Disability. "Disability" means a determinable physical
19 or mental characteristic of a person, including, but not
20 limited to, a determinable physical characteristic which
21 necessitates the person's use of a guide, hearing or support
22 dog, the history of such characteristic, or the perception of
23 such characteristic by the person complained against, which may
24 result from disease, injury, congenital condition of birth or
25 functional disorder and which characteristic:

26 (1) For purposes of Article 2, is unrelated to the

1 person's ability to perform the duties of a particular job
2 or position and, pursuant to Section 2-104 of this Act, a
3 person's illegal use of drugs or alcohol is not a
4 disability;

5 (2) For purposes of Article 3, is unrelated to the
6 person's ability to acquire, rent, or maintain a housing
7 accommodation;

8 (3) For purposes of Article 4, is unrelated to a
9 person's ability to repay;

10 (4) For purposes of Article 5, is unrelated to a
11 person's ability to utilize and benefit from a place of
12 public accommodation;

13 (5) For purposes of Article 5, also includes any
14 mental, psychological, or developmental disability,
15 including autism spectrum disorders.

16 (J) Marital status. "Marital status" means the legal status
17 of being married, single, separated, divorced, or widowed.

18 (J-1) Military status. "Military status" means a person's
19 status on active duty in or status as a veteran of the armed
20 forces of the United States, status as a current member or
21 veteran of any reserve component of the armed forces of the
22 United States, including the United States Army Reserve, United
23 States Marine Corps Reserve, United States Navy Reserve, United
24 States Air Force Reserve, and United States Coast Guard
25 Reserve, or status as a current member or veteran of the
26 Illinois Army National Guard or Illinois Air National Guard.

1 (K) National origin. "National origin" means the place in
2 which a person or one of his or her ancestors was born.

3 (K-5) "Order of protection status" means a person's status
4 as being a person protected under an order of protection issued
5 pursuant to the Illinois Domestic Violence Act of 1986, Article
6 112A of the Code of Criminal Procedure of 1963, the Stalking No
7 Contact Order Act, or the Civil No Contact Order Act, or an
8 order of protection issued by a court of another state.

9 (L) Person. "Person" includes one or more individuals,
10 partnerships, associations or organizations, labor
11 organizations, labor unions, joint apprenticeship committees,
12 or union labor associations, corporations, the State of
13 Illinois and its instrumentalities, political subdivisions,
14 units of local government, legal representatives, trustees in
15 bankruptcy or receivers.

16 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
17 or medical or common conditions related to pregnancy or
18 childbirth.

19 (M) Public contract. "Public contract" includes every
20 contract to which the State, any of its political subdivisions,
21 or any municipal corporation is a party.

22 (N) Religion. "Religion" includes all aspects of religious
23 observance and practice, as well as belief, except that with
24 respect to employers, for the purposes of Article 2, "religion"
25 has the meaning ascribed to it in paragraph (F) of Section
26 2-101.

1 (O) Sex. "Sex" means the status of being male or female.

2 (O-1) Sexual orientation. "Sexual orientation" means
3 actual or perceived heterosexuality, homosexuality,
4 bisexuality, or gender-related identity, whether or not
5 traditionally associated with the person's designated sex at
6 birth. "Sexual orientation" does not include a physical or
7 sexual attraction to a minor by an adult.

8 (O-5) Source of income. "Source of income" means the source
9 of any lawful income or any lawful rent payment that can be
10 verified as to its amount, length of time received, regularity,
11 or receipt, including any subsidy authorized under Section 8 of
12 the United States Housing Act of 1937 and any other local,
13 State, or federal subsidy, grant, or benefit.

14 (P) Unfavorable military discharge. "Unfavorable military
15 discharge" includes discharges from the Armed Forces of the
16 United States, their Reserve components, or any National Guard
17 or Naval Militia which are classified as RE-3 or the equivalent
18 thereof, but does not include those characterized as RE-4 or
19 "Dishonorable".

20 (Q) Unlawful discrimination. "Unlawful discrimination"
21 means discrimination against a person because of his or her
22 actual or perceived: race, color, religion, national origin,
23 ancestry, age, sex, marital status, order of protection status,
24 disability, military status, sexual orientation, pregnancy, or
25 unfavorable discharge from military service as those terms are
26 defined in this Section.

1 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;
2 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)

3 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

4 Sec. 3-102. Civil rights violations; real estate
5 transactions. It is a civil rights violation for an owner or
6 any other person engaging in a real estate transaction, or for
7 a real estate broker or salesman, because of unlawful
8 discrimination, familial status, source of income, or an arrest
9 record, as defined under subsection (B-5) of Section 1-103, to:

10 (A) Transaction. Refuse to engage in a real estate
11 transaction with a person or to discriminate in making
12 available such a transaction;

13 (B) Terms. Alter the terms, conditions or privileges of
14 a real estate transaction or in the furnishing of
15 facilities or services in connection therewith;

16 (C) Offer. Refuse to receive or to fail to transmit a
17 bona fide offer to engage in a real estate transaction from
18 a person;

19 (D) Negotiation. Refuse to negotiate for a real estate
20 transaction with a person;

21 (E) Representations. Represent to a person that real
22 property is not available for inspection, sale, rental, or
23 lease when in fact it is so available, or to fail to bring
24 a property listing to his or her attention, or to refuse to
25 permit him or her to inspect real property;

1 (F) Publication of Intent. Make, print, circulate,
2 post, mail, publish or cause to be made, printed,
3 circulated, posted, mailed, or published any notice,
4 statement, advertisement or sign, or use a form of
5 application for a real estate transaction, or make a record
6 or inquiry in connection with a prospective real estate
7 transaction, that indicates any preference, limitation, or
8 discrimination based on unlawful discrimination or
9 unlawful discrimination based on familial status, source
10 of income, or an arrest record, or an intention to make any
11 such preference, limitation, or discrimination;

12 (G) Listings. Offer, solicit, accept, use or retain a
13 listing of real property with knowledge that unlawful
14 discrimination or discrimination on the basis of familial
15 status, source of income, or an arrest record in a real
16 estate transaction is intended.

17 (Source: P.A. 101-565, eff. 1-1-20.)

18 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

19 Sec. 3-103. Blockbusting. It is a civil rights violation
20 for any person to:

21 (A) Solicitation. Solicit for sale, lease, listing or
22 purchase any residential real estate within this State, on the
23 grounds of loss of value due to the present or prospective
24 entry into the vicinity of the property involved of any person
25 or persons of any particular race, color, religion, national

1 origin, ancestry, age, sex, sexual orientation, marital
2 status, familial status, source of income, or disability.

3 (B) Statements. Distribute or cause to be distributed,
4 written material or statements designed to induce any owner of
5 residential real estate in this State to sell or lease his or
6 her property because of any present or prospective changes in
7 the race, color, religion, national origin, ancestry, age, sex,
8 sexual orientation, marital status, source of
9 income, or disability of residents in the vicinity of the
10 property involved.

11 (C) Creating Alarm. Intentionally create alarm, among
12 residents of any community, by transmitting communications in
13 any manner, including a telephone call whether or not
14 conversation thereby ensues, with a design to induce any owner
15 of residential real estate in this state to sell or lease his
16 or her property because of any present or prospective entry
17 into the vicinity of the property involved of any person or
18 persons of any particular race, color, religion, national
19 origin, ancestry, age, sex, sexual orientation, marital
20 status, familial status, source of income, or disability.

21 (Source: P.A. 97-877, eff. 8-2-12.)

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