



Rep. Anna Moeller

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1 AMENDMENT TO SENATE BILL 220

2 AMENDMENT NO. _____. Amend Senate Bill 220 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 3-101, 7B-102, 8-101, and 10-103 as follows:

6 (775 ILCS 5/3-101) (from Ch. 68, par. 3-101)

7 Sec. 3-101. Definitions. The following definitions are
8 applicable strictly in the context of this Article:

9 (A) Real Property. "Real property" includes buildings,
10 structures, real estate, lands, tenements, leaseholds,
11 interests in real estate cooperatives, condominiums, and
12 hereditaments, corporeal and incorporeal, or any interest
13 therein.

14 (B) Real Estate Transaction. "Real estate transaction"
15 includes the sale, exchange, rental or lease of real property.
16 "Real estate transaction" also includes the brokering or

1 appraising of residential real property and the making or
2 purchasing of loans or providing other financial assistance:

3 (1) for purchasing, constructing, improving, repairing or
4 maintaining a dwelling; or

5 (2) secured by residential real estate.

6 "Real estate transaction" includes loan modification
7 services.

8 (C) Housing Accommodations. "Housing accommodation"
9 includes any improved or unimproved real property, or part
10 thereof, which is used or occupied, or is intended, arranged or
11 designed to be used or occupied, as the home or residence of
12 one or more individuals.

13 (D) Real Estate Broker or Salesman. "Real estate broker or
14 salesman" means a person, whether licensed or not, who, for or
15 with the expectation of receiving a consideration, lists,
16 sells, purchases, exchanges, rents, or leases real property, or
17 who negotiates or attempts to negotiate any of these
18 activities, or who holds himself or herself out as engaged in
19 these.

20 (E) Familial Status. "Familial status" means one or more
21 individuals (who have not attained the age of 18 years) being
22 domiciled with:

23 (1) a parent or person having legal custody of such
24 individual or individuals; or

25 (2) the designee of such parent or other person having such
26 custody, with the written permission of such parent or other

1 person.

2 The protections afforded by this Article against
3 discrimination on the basis of familial status apply to any
4 person who is pregnant or is in the process of securing legal
5 custody of any individual who has not attained the age of 18
6 years.

7 (F) Conciliation. "Conciliation" means the attempted
8 resolution of issues raised by a charge, or by the
9 investigation of such charge, through informal negotiations
10 involving the aggrieved party, the respondent and the
11 Department.

12 (G) Conciliation Agreement. "Conciliation agreement" means
13 a written agreement setting forth the resolution of the issues
14 in conciliation.

15 (H) Covered Multifamily Dwellings. As used in Section
16 3-102.1, "covered multifamily dwellings" means:

17 (1) buildings consisting of 4 or more units if such
18 buildings have one or more elevators; and

19 (2) ground floor units in other buildings consisting of 4
20 or more units.

21 (I) Loan Modification Services. "Loan modification
22 services" means any assistance offered to a loan borrower to
23 obtain a modification to a term of an existing real estate loan
24 or to obtain foreclosure relief, in exchange for a fee or other
25 consideration, regardless of whether the person or entity has
26 the authority to affect the terms on which credit was extended

1 to the borrower, provides or has provided any funds in
2 connection with the loan, or is affiliated with any entity that
3 provided funds for the loan.

4 (Source: P.A. 86-820; 86-910; 86-1028.)

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

6 Sec. 7B-102. Procedures.

7 (A) Charge.

8 (1) Within one year after the date that a civil rights
9 violation allegedly has been committed or terminated, a
10 charge in writing under oath or affirmation may be filed
11 with the Department by an aggrieved party or issued by the
12 Department itself under the signature of the Director.

13 (2) The charge shall be in such detail as to
14 substantially apprise any party properly concerned as to
15 the time, place, and facts surrounding the alleged civil
16 rights violation.

17 (B) Notice and Response to Charge.

18 (1) The Department shall serve notice upon the
19 aggrieved party acknowledging such charge and advising the
20 aggrieved party of the time limits and choice of forums
21 provided under this Act. The Department shall, within 10
22 days of the date on which the charge was filed or the
23 identification of an additional respondent under paragraph
24 (2) of this subsection, serve on the respondent a copy of
25 the charge along with a notice identifying the alleged

1 civil rights violation and advising the respondent of the
2 procedural rights and obligations of respondents under
3 this Act and may require the respondent to file a response
4 to the allegations contained in the charge. Upon the
5 Department's request, the respondent shall file a response
6 to the charge within 30 days and shall serve a copy of its
7 response on the complainant or his or her representative.
8 Notwithstanding any request from the Department, the
9 respondent may elect to file a response to the charge
10 within 30 days of receipt of notice of the charge, provided
11 the respondent serves a copy of its response on the
12 complainant or his or her representative. All allegations
13 contained in the charge not denied by the respondent within
14 30 days after the Department's request for a response may
15 be deemed admitted, unless the respondent states that it is
16 without sufficient information to form a belief with
17 respect to such allegation. The Department may issue a
18 notice of default directed to any respondent who fails to
19 file a response to a charge within 30 days of the
20 Department's request, unless the respondent can
21 demonstrate good cause as to why such notice should not
22 issue. The term "good cause" shall be defined by rule
23 promulgated by the Department. Within 10 days of the date
24 he or she receives the respondent's response, the
25 complainant may file his or her reply to said response. If
26 he or she chooses to file a reply, the complainant shall

1 serve a copy of said reply on the respondent or his or her
2 representative. A party may supplement his or her response
3 or reply at any time that the investigation of the charge
4 is pending.

5 (2) A person who is not named as a respondent in a
6 charge, but who is identified as a respondent in the course
7 of investigation, may be joined as an additional or
8 substitute respondent upon written notice, under
9 subsection (B), to such person, from the Department. Such
10 notice, in addition to meeting the requirements of
11 subsections (A) and (B), shall explain the basis for the
12 Department's belief that a person to whom the notice is
13 addressed is properly joined as a respondent.

14 (C) Investigation.

15 (1) The Department shall conduct a full investigation
16 of the allegations set forth in the charge and complete
17 such investigation within 100 days after the filing of the
18 charge, unless it is impracticable to do so. The
19 Department's failure to complete the investigation within
20 100 days after the proper filing of the charge does not
21 deprive the Department of jurisdiction over the charge.

22 (2) If the Department is unable to complete the
23 investigation within 100 days after the charge is filed,
24 the Department shall notify the complainant and respondent
25 in writing of the reasons for not doing so.

26 (3) The Director or his or her designated

1 representative shall have authority to request any member
2 of the Commission to issue subpoenas to compel the
3 attendance of a witness or the production for examination
4 of any books, records or documents whatsoever.

5 (4) If any witness whose testimony is required for any
6 investigation resides outside the State, or through
7 illness or any other good cause as determined by the
8 Director is unable to be interviewed by the investigator or
9 appear at a fact finding conference, his or her testimony
10 or deposition may be taken, within or without the State, in
11 the same manner as provided for in the taking of
12 depositions in civil cases in circuit courts.

13 (5) Upon reasonable notice to the complainant and the
14 respondent, the Department may ~~shall~~ conduct a fact finding
15 conference, ~~unless prior to 100 days from the date on which~~
16 ~~the charge was filed, the Director has determined whether~~
17 ~~there is substantial evidence that the alleged civil rights~~
18 ~~violation has been committed or the parties voluntarily and~~
19 ~~in writing agree to waive the fact finding conference. When~~
20 requested by the Department, a ~~A~~ party's failure to attend
21 the conference without good cause may result in dismissal
22 or default. A notice of dismissal or default shall be
23 issued by the Director and shall notify the relevant party
24 that a request for review may be filed in writing with the
25 Commission within 30 days of receipt of notice of dismissal
26 or default.

1 (D) Report.

2 (1) Each charge investigated under subsection (C)
3 shall be the subject of a report to the Director. The
4 report shall be a confidential document subject to review
5 by the Director, authorized Department employees, the
6 parties, and, where indicated by this Act, members of the
7 Commission or their designated hearing officers.

8 The report shall contain:

9 (a) the names and dates of contacts with witnesses;

10 (b) a summary and the date of correspondence and
11 other contacts with the aggrieved party and the
12 respondent;

13 (c) a summary description of other pertinent
14 records;

15 (d) a summary of witness statements; and

16 (e) answers to questionnaires.

17 A final report under this paragraph may be amended if
18 additional evidence is later discovered.

19 (2) Upon review of the report and within 100 days of
20 the filing of the charge, unless it is impracticable to do
21 so, the Director shall determine whether there is
22 substantial evidence that the alleged civil rights
23 violation has been committed or is about to be committed.
24 If the Director is unable to make the determination within
25 100 days after the filing of the charge, the Director shall
26 notify the complainant and respondent in writing of the

1 reasons for not doing so. The Director's failure to make
2 the determination within 100 days after the proper filing
3 of the charge does not deprive the Department of
4 jurisdiction over the charge.

5 (a) If the Director determines that there is no
6 substantial evidence, the charge shall be dismissed
7 and the aggrieved party notified that he or she may
8 seek review of the dismissal order before the
9 Commission. The aggrieved party shall have 90 days from
10 receipt of notice to file a request for review by the
11 Commission. The Director shall make public disclosure
12 of each such dismissal.

13 (b) If the Director determines that there is
14 substantial evidence, he or she shall immediately
15 issue a complaint on behalf of the aggrieved party
16 pursuant to subsection (F).

17 (E) Conciliation.

18 (1) During the period beginning with the filing of
19 charge and ending with the filing of a complaint or a
20 dismissal by the Department, the Department shall, to the
21 extent feasible, engage in conciliation with respect to
22 such charge.

23 When the Department determines that a formal
24 conciliation conference is feasible, the aggrieved party
25 and respondent shall be notified of the time and place of
26 the conference by registered or certified mail at least 7

1 days prior thereto and either or both parties shall appear
2 at the conference in person or by attorney.

3 (2) The place fixed for the conference shall be within
4 35 miles of the place where the civil rights violation is
5 alleged to have been committed.

6 (3) Nothing occurring at the conference shall be made
7 public or used as evidence in a subsequent proceeding for
8 the purpose of proving a violation under this Act unless
9 the complainant and respondent agree in writing that such
10 disclosure be made.

11 (4) A conciliation agreement arising out of such
12 conciliation shall be an agreement between the respondent
13 and the complainant, and shall be subject to approval by
14 the Department and Commission.

15 (5) A conciliation agreement may provide for binding
16 arbitration of the dispute arising from the charge. Any
17 such arbitration that results from a conciliation
18 agreement may award appropriate relief, including monetary
19 relief.

20 (6) Each conciliation agreement shall be made public
21 unless the complainant and respondent otherwise agree and
22 the Department determines that disclosure is not required
23 to further the purpose of this Act.

24 (F) Complaint.

25 (1) When there is a failure to settle or adjust any
26 charge through a conciliation conference and the charge is

1 not dismissed, the Department shall prepare a written
2 complaint, under oath or affirmation, stating the nature of
3 the civil rights violation and the relief sought on behalf
4 of the aggrieved party. Such complaint shall be based on
5 the final investigation report and need not be limited to
6 the facts or grounds alleged in the charge filed under
7 subsection (A).

8 (2) The complaint shall be filed with the Commission.

9 (3) The Department may not issue a complaint under this
10 Section regarding an alleged civil rights violation after
11 the beginning of the trial of a civil action commenced by
12 the aggrieved party under any State or federal law, seeking
13 relief with respect to that alleged civil rights violation.

14 (G) Time Limit.

15 (1) When a charge of a civil rights violation has been
16 properly filed, the Department, within 100 days thereof,
17 unless it is impracticable to do so, shall either issue and
18 file a complaint in the manner and form set forth in this
19 Section or shall order that no complaint be issued. Any
20 such order shall be duly served upon both the aggrieved
21 party and the respondent. The Department's failure to
22 either issue and file a complaint or order that no
23 complaint be issued within 100 days after the proper filing
24 of the charge does not deprive the Department of
25 jurisdiction over the charge.

26 (2) The Director shall make available to the aggrieved

1 party and the respondent, at any time, upon request
2 following completion of the Department's investigation,
3 information derived from an investigation and any final
4 investigative report relating to that investigation.

5 (H) This amendatory Act of 1995 applies to causes of action
6 filed on or after January 1, 1996.

7 (I) The changes made to this Section by Public Act 95-243
8 apply to charges filed on or after the effective date of those
9 changes.

10 (J) The changes made to this Section by this amendatory Act
11 of the 96th General Assembly apply to charges filed on or after
12 the effective date of those changes.

13 (Source: P.A. 100-492, eff. 9-8-17; 100-1066, eff. 8-24-18.)

14 (775 ILCS 5/8-101) (from Ch. 68, par. 8-101)

15 Sec. 8-101. Illinois Human Rights Commission.

16 (A) Creation; appointments. The Human Rights Commission is
17 created to consist of 7 members appointed by the Governor with
18 the advice and consent of the Senate. No more than 4 members
19 shall be of the same political party. The Governor shall
20 designate one member as chairperson. All appointments shall be
21 in writing and filed with the Secretary of State as a public
22 record.

23 (B) Terms. Of the members first appointed, 4 shall be
24 appointed for a term to expire on the third Monday of January,
25 2021, and 3 (including the Chairperson) shall be appointed for

1 a term to expire on the third Monday of January, 2023.

2 Notwithstanding any provision of this Section to the
3 contrary, the term of office of each member of the Illinois
4 Human Rights Commission is abolished on January 19, 2019.
5 Incumbent members holding a position on the Commission that was
6 created by Public Act 84-115 and whose terms, if not for this
7 amendatory Act of the 100th General Assembly, would have
8 expired January 18, 2021 shall continue to exercise all of the
9 powers and be subject to all of the duties of members of the
10 Commission until June 30, 2019 or until their respective
11 successors are appointed and qualified, whichever is earlier.

12 Thereafter, each member shall serve for a term of 4 years
13 and until his or her successor is appointed and qualified;
14 except that any member chosen to fill a vacancy occurring
15 otherwise than by expiration of a term shall be appointed only
16 for the unexpired term of the member whom he or she shall
17 succeed and until his or her successor is appointed and
18 qualified.

19 (C) Vacancies.

20 (1) In the case of vacancies on the Commission during a
21 recess of the Senate, the Governor shall make a temporary
22 appointment until the next meeting of the Senate when he or
23 she shall appoint a person to fill the vacancy. Any person
24 so nominated and confirmed by the Senate shall hold office
25 for the remainder of the term and until his or her
26 successor is appointed and qualified.

1 (2) If the Senate is not in session at the time this
2 Act takes effect, the Governor shall make temporary
3 appointments to the Commission as in the case of vacancies.

4 (3) Vacancies in the Commission shall not impair the
5 right of the remaining members to exercise all the powers
6 of the Commission. Except when authorized by this Act to
7 proceed through a 3 member panel, a majority of the members
8 of the Commission then in office shall constitute a quorum.

9 (D) Compensation. On and after January 19, 2019, the
10 Chairperson of the Commission shall be compensated at the rate
11 of \$125,000 per year, or as set by the Compensation Review
12 Board, whichever is greater, during his or her service as
13 Chairperson, and each other member shall be compensated at the
14 rate of \$119,000 per year, or as set by the Compensation Review
15 Board, whichever is greater. In addition, all members of the
16 Commission shall be reimbursed for expenses actually and
17 necessarily incurred by them in the performance of their
18 duties.

19 (E) Notwithstanding the general supervisory authority of
20 the Chairperson, each commissioner, unless appointed to the
21 special temporary panel created under subsection (H), has the
22 authority to hire and supervise a staff attorney. The staff
23 attorney shall report directly to the individual commissioner.

24 (F) A formal training program for newly appointed
25 commissioners shall be implemented. The training program shall
26 include the following:

1 (1) substantive and procedural aspects of the office of
2 commissioner;

3 (2) current issues in employment and housing
4 discrimination and public accommodation law and practice;

5 (3) orientation to each operational unit of the Human
6 Rights Commission;

7 (4) observation of experienced hearing officers and
8 commissioners conducting hearings of cases, combined with
9 the opportunity to discuss evidence presented and rulings
10 made;

11 (5) the use of hypothetical cases requiring the newly
12 appointed commissioner to issue judgments as a means of
13 evaluating knowledge and writing ability;

14 (6) writing skills; and

15 (7) professional and ethical standards.

16 A formal and ongoing professional development program
17 including, but not limited to, the above-noted areas shall be
18 implemented to keep commissioners informed of recent
19 developments and issues and to assist them in maintaining and
20 enhancing their professional competence. Each commissioner
21 shall complete 20 hours of training in the above-noted areas
22 during every 2 years the commissioner remains in office.

23 (G) Commissioners must meet one of the following
24 qualifications:

25 (1) licensed to practice law in the State of Illinois;

26 (2) at least 3 years of experience as a hearing officer

1 at the Human Rights Commission; or

2 (3) at least 4 years of professional experience working
3 for or dealing with individuals or corporations affected by
4 this Act or similar laws in other jurisdictions, including,
5 but not limited to, experience with a civil rights advocacy
6 group, a fair housing group, a trade association, a union,
7 a law firm, a legal aid organization, an employer's human
8 resources department, an employment discrimination
9 consulting firm, or a municipal human relations agency.

10 The Governor's appointment message, filed with the
11 Secretary of State and transmitted to the Senate, shall state
12 specifically how the experience of a nominee for commissioner
13 meets the requirement set forth in this subsection. The
14 Chairperson must have public or private sector management and
15 budget experience, as determined by the Governor.

16 Each commissioner shall devote full time to his or her
17 duties and any commissioner who is an attorney shall not engage
18 in the practice of law, nor shall any commissioner hold any
19 other office or position of profit under the United States or
20 this State or any municipal corporation or political
21 subdivision of this State, nor engage in any other business,
22 employment, or vocation.

23 (H) Notwithstanding any other provision of this Act, the
24 Governor shall appoint, by and with the consent of the Senate,
25 a special temporary panel of commissioners comprised of 3
26 members. The members shall hold office until the Commission, in

1 consultation with the Governor, determines that the caseload of
2 requests for review has been reduced sufficiently to allow
3 cases to proceed in a timely manner, or for a term of 18 months
4 from the date of appointment by the Governor, whichever is
5 earlier. Each of the 3 members shall have only such rights and
6 powers of a commissioner necessary to dispose of the cases
7 assigned to the special panel. Each of the 3 members appointed
8 to the special panel shall receive the same salary as other
9 commissioners for the duration of the panel. The panel shall
10 have the authority to hire and supervise a staff attorney who
11 shall report to the panel of commissioners.

12 (Source: P.A. 99-642, eff. 7-28-16; 100-1066, eff. 8-24-18.)

13 (775 ILCS 5/10-103) (from Ch. 68, par. 10-103)

14 Sec. 10-103. Circuit Court Actions Pursuant To Election.

15 (A) If an election is made under Section 8B-102, the Department
16 shall authorize and not later than 30 days after the entry of
17 the administrative closure order by the Commission ~~election is~~
18 ~~made~~ the Attorney General shall commence and maintain a civil
19 action on behalf of the aggrieved party in a circuit court of
20 Illinois seeking relief under this Section. Venue for such
21 civil action shall be determined under Section 8-111(B) (6).

22 (B) Any aggrieved party with respect to the issues to be
23 determined in a civil action under this Section may intervene
24 as of right in that civil action.

25 (C) In a civil action under this Section, if the court

1 finds that a civil rights violation has occurred or is about to
2 occur the court may grant as relief any relief which a court
3 could grant with respect to such civil rights violation in a
4 civil action under Section 10-102. Any relief so granted that
5 would accrue to an aggrieved party in a civil action commenced
6 by that aggrieved party under Section 10-102 shall also accrue
7 to that aggrieved party in a civil action under this Section.
8 If monetary relief is sought for the benefit of an aggrieved
9 party who does not intervene in the civil action, the court
10 shall not award such relief if that aggrieved party has not
11 complied with discovery orders entered by the court.

12 (Source: P.A. 86-910.)".