



Rep. Curtis J. Tarver, II

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10100SB1780ham002

LRB101 08639 LNS 61002 a

1 AMENDMENT TO SENATE BILL 1780

2 AMENDMENT NO. _____. Amend Senate Bill 1780 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 1-103, 2-103, 3-102, and 3-106 and by adding
6 Section 3-102.5 as follows:

7 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

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

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

7 (2) a juvenile record; or

8 (3) criminal history record information ordered
9 expunged, sealed, or impounded under Section 5.2 of the
10 Criminal Identification Act.

11 (C) Charge. "Charge" means an allegation filed with the
12 Department by an aggrieved party or initiated by the Department
13 under its authority.

14 (D) Civil rights violation. "Civil rights violation"
15 includes and shall be limited to only those specific acts set
16 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
17 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
18 6-101, and 6-102 of this Act.

19 (E) Commission. "Commission" means the Human Rights
20 Commission created by this Act.

21 (F) Complaint. "Complaint" means the formal pleading filed
22 by the Department with the Commission following an
23 investigation and finding of substantial evidence of a civil
24 rights violation.

25 (G) Complainant. "Complainant" means a person including
26 the Department who files a charge of civil rights violation

1 with the Department or the Commission.

2 (H) Department. "Department" means the Department of Human
3 Rights created by this Act.

4 (I) Disability. "Disability" means a determinable physical
5 or mental characteristic of a person, including, but not
6 limited to, a determinable physical characteristic which
7 necessitates the person's use of a guide, hearing or support
8 dog, the history of such characteristic, or the perception of
9 such characteristic by the person complained against, which may
10 result from disease, injury, congenital condition of birth or
11 functional disorder and which characteristic:

12 (1) For purposes of Article 2, is unrelated to the
13 person's ability to perform the duties of a particular job
14 or position and, pursuant to Section 2-104 of this Act, a
15 person's illegal use of drugs or alcohol is not a
16 disability;

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

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

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

25 (5) For purposes of Article 5, also includes any
26 mental, psychological, or developmental disability,

1 including autism spectrum disorders.

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

4 (J-1) Military status. "Military status" means a person's
5 status on active duty in or status as a veteran of the armed
6 forces of the United States, status as a current member or
7 veteran of any reserve component of the armed forces of the
8 United States, including the United States Army Reserve, United
9 States Marine Corps Reserve, United States Navy Reserve, United
10 States Air Force Reserve, and United States Coast Guard
11 Reserve, or status as a current member or veteran of the
12 Illinois Army National Guard or Illinois Air National Guard.

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

15 (K-5) "Order of protection status" means a person's status
16 as being a person protected under an order of protection issued
17 pursuant to the Illinois Domestic Violence Act of 1986, Article
18 112A of the Code of Criminal Procedure of 1963, the Stalking No
19 Contact Order Act, or the Civil No Contact Order Act, or an
20 order of protection issued by a court of another state.

21 (L) Person. "Person" includes one or more individuals,
22 partnerships, associations or organizations, labor
23 organizations, labor unions, joint apprenticeship committees,
24 or union labor associations, corporations, the State of
25 Illinois and its instrumentalities, political subdivisions,
26 units of local government, legal representatives, trustees in

1 bankruptcy or receivers.

2 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
3 or medical or common conditions related to pregnancy or
4 childbirth.

5 (M) Public contract. "Public contract" includes every
6 contract to which the State, any of its political subdivisions,l
7 or any municipal corporation is a party.

8 (N) Religion. "Religion" includes all aspects of religious
9 observance and practice, as well as belief, except that with
10 respect to employers, for the purposes of Article 2, "religion"
11 has the meaning ascribed to it in paragraph (F) of Section
12 2-101.

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

14 (O-1) Sexual orientation. "Sexual orientation" means
15 actual or perceived heterosexuality, homosexuality,
16 bisexuality, or gender-related identity, whether or not
17 traditionally associated with the person's designated sex at
18 birth. "Sexual orientation" does not include a physical or
19 sexual attraction to a minor by an adult.

20 (P) Unfavorable military discharge. "Unfavorable military
21 discharge" includes discharges from the Armed Forces of the
22 United States, their Reserve components,l or any National Guard
23 or Naval Militia which are classified as RE-3 or the equivalent
24 thereof, but does not include those characterized as RE-4 or
25 "Dishonorable".

26 (Q) Unlawful discrimination. "Unlawful discrimination"

1 means discrimination against a person because of his or her
2 race, color, religion, national origin, ancestry, age, sex,
3 marital status, order of protection status, disability,
4 military status, sexual orientation, pregnancy, or unfavorable
5 discharge from military service as those terms are defined in
6 this Section.

7 (Source: P.A. 100-714, eff. 1-1-19; revised 10-4-18.)

8 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

9 Sec. 2-103. Arrest Record.

10 (A) Unless otherwise authorized by law, it is a civil
11 rights violation for any employer, employment agency or labor
12 organization to inquire into or to use ~~the fact of an arrest or~~
13 ~~criminal history~~ record, as defined under subsection (B-5) of
14 Section 1-103, information ordered expunged, sealed or
15 ~~impounded under Section 5.2 of the Criminal Identification Act~~
16 as a basis to refuse to hire, to segregate, or to act with
17 respect to recruitment, hiring, promotion, renewal of
18 employment, selection for training or apprenticeship,
19 discharge, discipline, tenure or terms, privileges or
20 conditions of employment. This Section does not prohibit a
21 State agency, unit of local government or school district, or
22 private organization from requesting or utilizing sealed
23 felony conviction information obtained from the Department of
24 State Police under the provisions of Section 3 of the Criminal
25 Identification Act or under other State or federal laws or

1 regulations that require criminal background checks in
2 evaluating the qualifications and character of an employee or a
3 prospective employee.

4 (B) The prohibition against the use of ~~the fact of~~ an
5 arrest record, as defined under paragraph (1) of subsection
6 (B-5) of Section 1-103, contained in this Act ~~Section~~ shall not
7 be construed to prohibit an employer, employment agency, or
8 labor organization from obtaining or using other information
9 which indicates that a person actually engaged in the conduct
10 for which he or she was arrested.

11 (Source: P.A. 96-409, eff. 1-1-10.)

12 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

13 Sec. 3-102. Civil rights violations; real estate
14 transactions. It is a civil rights violation for an owner or
15 any other person engaging in a real estate transaction, or for
16 a real estate broker or salesman, because of unlawful
17 discrimination, ~~or~~ family status, or an arrest record, as
18 defined under subsection (B-5) of Section 1-103, to:

19 (A) Transaction. Refuse to engage in a real estate
20 transaction with a person or to discriminate in making
21 available such a transaction;

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

25 (C) Offer. Refuse to receive or to fail to transmit a

1 bona fide offer to engage in a real estate transaction from
2 a person;

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

5 (E) Representations. Represent to a person that real
6 property is not available for inspection, sale, rental, or
7 lease when in fact it is so available, or to fail to bring
8 a property listing to his or her attention, or to refuse to
9 permit him or her to inspect real property;

10 (F) Publication of Intent. Make, print, circulate,
11 post, mail, publish or cause to be made, printed,
12 circulated, posted, mailed, or published any notice,
13 statement, advertisement or sign, or use a form of
14 application for a real estate transaction, or make a record
15 or inquiry in connection with a prospective real estate
16 transaction, that indicates any preference, limitation, or
17 discrimination based on unlawful discrimination or
18 unlawful discrimination based on familial status or an
19 arrest record, or an intention to make any such preference,
20 limitation, or discrimination;

21 (G) Listings. Offer, solicit, accept, use or retain a
22 listing of real property with knowledge that unlawful
23 discrimination or discrimination on the basis of familial
24 status or an arrest record in a real estate transaction is
25 intended.

26 (Source: P.A. 99-196, eff. 7-30-15; 99-642, eff. 7-28-16.)

1 (775 ILCS 5/3-102.5 new)

2 Sec. 3-102.5. Arrest records.

3 (A) Inquiries. It is a civil rights violation for an owner
4 or any other person engaging in a real estate transaction, or
5 for a real estate broker or salesman, to inquire into a
6 person's arrest record.

7 (B) Unlawful activity. The prohibition against the use of
8 an arrest record shall not preclude an owner or any other
9 person engaging in a real estate transaction, or for a real
10 estate broker or salesman, from prohibiting the tenant, a
11 member of the tenant's household, or a guest of the tenant from
12 engaging in unlawful activity on the premises.

13 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

14 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
15 shall prohibit:

16 (A) Private Sales of Single Family Homes.

17 (1) Any sale of a single family home by its owner so
18 long as the following criteria are met:

19 (a) The owner does not own or have a beneficial
20 interest in more than three single family homes at the
21 time of the sale;

22 (b) The owner or a member of his or her family was
23 the last current resident of the home;

24 (c) The home is sold without the use in any manner

1 of the sales or rental facilities or services of any
2 real estate broker or salesman, or of any employee or
3 agent of any real estate broker or salesman;

4 (d) The home is sold without the publication,
5 posting or mailing, after notice, of any advertisement
6 or written notice in violation of paragraph (F) of
7 Section 3-102.

8 (2) This exemption does not apply to paragraph (F) of
9 Section 3-102.

10 (B) Apartments. Rental of a housing accommodation in a
11 building which contains housing accommodations for not more
12 than 4 families living independently of each other, if the
13 owner resides in one of the housing accommodations. This
14 exemption does not apply to paragraph (F) of Section 3-102.

15 (C) Private Rooms. Rental of a room or rooms in a private
16 home by an owner if he or she or a member of his or her family
17 resides therein or, while absent for a period of not more than
18 twelve months, if he or she or a member of his or her family
19 intends to return to reside therein.

20 (D) Reasonable local, State, or Federal restrictions
21 regarding the maximum number of occupants permitted to occupy a
22 dwelling.

23 (E) Religious Organizations. A religious organization,
24 association, or society, or any nonprofit institution or
25 organization operated, supervised or controlled by or in
26 conjunction with a religious organization, association, or

1 society, from limiting the sale, rental or occupancy of a
2 dwelling which it owns or operates for other than a commercial
3 purpose to persons of the same religion, or from giving
4 preference to such persons, unless membership in such religion
5 is restricted on account of race, color, or national origin.

6 (F) Sex. Restricting the rental of rooms in a housing
7 accommodation to persons of one sex.

8 (G) Persons Convicted of Drug-Related Offenses. Conduct
9 against a person because such person has been convicted by any
10 court of competent jurisdiction of the illegal manufacture or
11 distribution of a controlled substance as defined in Section
12 102 of the federal Controlled Substances Act (21 U.S.C. 802).

13 (H) Persons engaged in the business of furnishing
14 appraisals of real property from taking into consideration
15 factors other than those based on unlawful discrimination or
16 familial status in furnishing appraisals.

17 (H-1) The owner of an owner-occupied residential building
18 with 4 or fewer units (including the unit in which the owner
19 resides) from making decisions regarding whether to rent to a
20 person based upon that person's sexual orientation.

21 (I) Housing for Older Persons. No provision in this Article
22 regarding familial status shall apply with respect to housing
23 for older persons.

24 (1) As used in this Section, "housing for older
25 persons" means housing:

26 (a) provided under any State or Federal program

1 that the Department determines is specifically
2 designed and operated to assist elderly persons (as
3 defined in the State or Federal program); or

4 (b) intended for, and solely occupied by, persons
5 62 years of age or older; or

6 (c) intended and operated for occupancy by persons
7 55 years of age or older and:

8 (i) at least 80% of the occupied units are
9 occupied by at least one person who is 55 years of
10 age or older;

11 (ii) the housing facility or community
12 publishes and adheres to policies and procedures
13 that demonstrate the intent required under this
14 subdivision (c); and

15 (iii) the housing facility or community
16 complies with rules adopted by the Department for
17 verification of occupancy, which shall:

18 (aa) provide for verification by reliable
19 surveys and affidavits; and

20 (bb) include examples of the types of
21 policies and procedures relevant to a
22 determination of compliance with the
23 requirement of clause (ii).

24 These surveys and affidavits shall be admissible in
25 administrative and judicial proceedings for the purposes
26 of such verification.

1 (2) Housing shall not fail to meet the requirements for
2 housing for older persons by reason of:

3 (a) persons residing in such housing as of the
4 effective date of this amendatory Act of 1989 who do
5 not meet the age requirements of subsections (1)(b) or
6 (c); provided, that new occupants of such housing meet
7 the age requirements of subsections (1)(b) or (c) of
8 this subsection; or

9 (b) unoccupied units; provided, that such units
10 are reserved for occupancy by persons who meet the age
11 requirements of subsections (1)(b) or (c) of this
12 subsection.

13 (3) (a) A person shall not be held personally liable
14 for monetary damages for a violation of this Article if
15 the person reasonably relied, in good faith, on the
16 application of the exemption under this subsection (I)
17 relating to housing for older persons.

18 (b) For the purposes of this item (3), a person may
19 show good faith reliance on the application of the
20 exemption only by showing that:

21 (i) the person has no actual knowledge that the
22 facility or community is not, or will not be,
23 eligible for the exemption; and

24 (ii) the facility or community has stated
25 formally, in writing, that the facility or
26 community complies with the requirements for the

1 exemption.

2 (J) Child Sex Offender Refusal to Rent. Refusal of a child
3 sex offender who owns and resides at residential real estate to
4 rent any residential unit within the same building in which he
5 or she resides to a person who is the parent or guardian of a
6 child or children under 18 years of age.

7 (K) Arrest Records. Inquiry into or the use of an arrest
8 record if the inquiry or use is otherwise authorized by State
9 or federal law.

10 (Source: P.A. 95-42, eff. 8-10-07; 95-820, eff. 1-1-09.)

11 Section 99. Effective date. This Act takes effect January
12 1, 2020."