



Rep. Curtis J. Tarver, II

Filed: 5/23/2019

10100SB1780ham003

LRB101 08639 LNS 61150 a

1 AMENDMENT TO SENATE BILL 1780

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1780, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Human Rights Act is amended by  
6 changing Sections 1-103, 2-103, 3-102, and 3-106 and by adding  
7 Section 3-102.5 as follows:

8 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

1 yet 40 years old.

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

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

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

8 (2) a juvenile record; or

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

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

15 (D) Civil rights violation. "Civil rights violation"  
16 includes and shall be limited to only those specific acts set  
17 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,  
18 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,  
19 6-101, and 6-102 of this Act.

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

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

26 (G) Complainant. "Complainant" means a person including

1 the Department who files a charge of civil rights violation  
2 with the Department or the Commission.

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

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

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

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

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

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

26 (5) For purposes of Article 5, also includes any

1           mental, psychological, or developmental disability,  
2           including autism spectrum disorders.

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

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

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

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

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

1 units of local government, legal representatives, trustees in  
2 bankruptcy or receivers.

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

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

9 (N) Religion. "Religion" includes all aspects of religious  
10 observance and practice, as well as belief, except that with  
11 respect to employers, for the purposes of Article 2, "religion"  
12 has the meaning ascribed to it in paragraph (F) of Section  
13 2-101.

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

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

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

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

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

9           (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

10          Sec. 2-103. Arrest Record.

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

1 Identification Act or under other State or federal laws or  
2 regulations that require criminal background checks in  
3 evaluating the qualifications and character of an employee or a  
4 prospective employee.

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

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

13 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

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

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

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

1 (C) Offer. Refuse to receive or to fail to transmit a  
2 bona fide offer to engage in a real estate transaction from  
3 a person;

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

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

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

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



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

2 (775 ILCS 5/3-102.5 new)

3 Sec. 3-102.5. Unlawful activity. The prohibition against  
4 the use of an arrest record under Section 3-102 shall not  
5 preclude an owner or any other person engaging in a real estate  
6 transaction, or a real estate broker or salesman, from  
7 prohibiting the tenant, a member of the tenant's household, or  
8 a guest of the tenant from engaging in unlawful activity on the  
9 premises.

10 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

11 Sec. 3-106. Exemptions. Nothing contained in Section 3-102  
12 shall prohibit:

13 (A) Private Sales of Single Family Homes.

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

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

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

21 (c) The home is sold without the use in any manner  
22 of the sales or rental facilities or services of any  
23 real estate broker or salesman, or of any employee or  
24 agent of any real estate broker or salesman;

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

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

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

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

17 (D) Reasonable local, State, or Federal restrictions  
18 regarding the maximum number of occupants permitted to occupy a  
19 dwelling.

20 (E) Religious Organizations. A religious organization,  
21 association, or society, or any nonprofit institution or  
22 organization operated, supervised or controlled by or in  
23 conjunction with a religious organization, association, or  
24 society, from limiting the sale, rental or occupancy of a  
25 dwelling which it owns or operates for other than a commercial  
26 purpose to persons of the same religion, or from giving

1 preference to such persons, unless membership in such religion  
2 is restricted on account of race, color, or national origin.

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

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

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

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

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

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

23 (a) provided under any State or Federal program  
24 that the Department determines is specifically  
25 designed and operated to assist elderly persons (as  
26 defined in the State or Federal program); or

1 (b) intended for, and solely occupied by, persons  
2 62 years of age or older; or

3 (c) intended and operated for occupancy by persons  
4 55 years of age or older and:

5 (i) at least 80% of the occupied units are  
6 occupied by at least one person who is 55 years of  
7 age or older;

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

12 (iii) the housing facility or community  
13 complies with rules adopted by the Department for  
14 verification of occupancy, which shall:

15 (aa) provide for verification by reliable  
16 surveys and affidavits; and

17 (bb) include examples of the types of  
18 policies and procedures relevant to a  
19 determination of compliance with the  
20 requirement of clause (ii).

21 These surveys and affidavits shall be admissible in  
22 administrative and judicial proceedings for the purposes  
23 of such verification.

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

26 (a) persons residing in such housing as of the

1 effective date of this amendatory Act of 1989 who do  
2 not meet the age requirements of subsections (1)(b) or  
3 (c); provided, that new occupants of such housing meet  
4 the age requirements of subsections (1)(b) or (c) of  
5 this subsection; or

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

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

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

18 (i) the person has no actual knowledge that the  
19 facility or community is not, or will not be,  
20 eligible for the exemption; and

21 (ii) the facility or community has stated  
22 formally, in writing, that the facility or  
23 community complies with the requirements for the  
24 exemption.

25 (J) Child Sex Offender Refusal to Rent. Refusal of a child  
26 sex offender who owns and resides at residential real estate to

1 rent any residential unit within the same building in which he  
2 or she resides to a person who is the parent or guardian of a  
3 child or children under 18 years of age.

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

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

8 Section 99. Effective date. This Act takes effect January  
9 1, 2020."