

1 AN ACT concerning civil law.

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 1-103, 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.

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

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

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

23 (2) a juvenile record; or

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

4 (C) Charge. "Charge" means an allegation filed with the
5 Department by an aggrieved party or initiated by the Department
6 under its authority.

7 (D) Civil rights violation. "Civil rights violation"
8 includes and shall be limited to only those specific acts set
9 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
10 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
11 6-101, and 6-102 of this Act.

12 (E) Commission. "Commission" means the Human Rights
13 Commission created by this Act.

14 (F) Complaint. "Complaint" means the formal pleading filed
15 by the Department with the Commission following an
16 investigation and finding of substantial evidence of a civil
17 rights violation.

18 (G) Complainant. "Complainant" means a person including
19 the Department who files a charge of civil rights violation
20 with the Department or the Commission.

21 (H) Department. "Department" means the Department of Human
22 Rights created by this Act.

23 (I) Disability. "Disability" means a determinable physical
24 or mental characteristic of a person, including, but not
25 limited to, a determinable physical characteristic which
26 necessitates the person's use of a guide, hearing or support

1 dog, the history of such characteristic, or the perception of
2 such characteristic by the person complained against, which may
3 result from disease, injury, congenital condition of birth or
4 functional disorder and which characteristic:

5 (1) For purposes of Article 2, is unrelated to the
6 person's ability to perform the duties of a particular job
7 or position and, pursuant to Section 2-104 of this Act, a
8 person's illegal use of drugs or alcohol is not a
9 disability;

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

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

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

18 (5) For purposes of Article 5, also includes any
19 mental, psychological, or developmental disability,
20 including autism spectrum disorders.

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

23 (J-1) Military status. "Military status" means a person's
24 status on active duty in or status as a veteran of the armed
25 forces of the United States, status as a current member or
26 veteran of any reserve component of the armed forces of the

1 United States, including the United States Army Reserve, United
2 States Marine Corps Reserve, United States Navy Reserve, United
3 States Air Force Reserve, and United States Coast Guard
4 Reserve, or status as a current member or veteran of the
5 Illinois Army National Guard or Illinois Air National Guard.

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

8 (K-5) "Order of protection status" means a person's status
9 as being a person protected under an order of protection issued
10 pursuant to the Illinois Domestic Violence Act of 1986, Article
11 112A of the Code of Criminal Procedure of 1963, the Stalking No
12 Contact Order Act, or the Civil No Contact Order Act, or an
13 order of protection issued by a court of another state.

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

21 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
22 or medical or common conditions related to pregnancy or
23 childbirth.

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

1 (N) Religion. "Religion" includes all aspects of religious
2 observance and practice, as well as belief, except that with
3 respect to employers, for the purposes of Article 2, "religion"
4 has the meaning ascribed to it in paragraph (F) of Section
5 2-101.

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

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

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

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

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

1 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

2 Sec. 2-103. Arrest Record.

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

22 (B) The prohibition against the use of ~~the fact of an~~
23 arrest record, as defined under paragraph (1) of subsection
24 (B-5) of Section 1-103, contained in this Act ~~Section~~ shall not
25 be construed to prohibit an employer, employment agency, or

1 labor organization from obtaining or using other information
2 which indicates that a person actually engaged in the conduct
3 for which he or she was arrested.

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

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

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

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

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

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

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

23 (E) Representations. Represent to a person that real
24 property is not available for inspection, sale, rental, or
25 lease when in fact it is so available, or to fail to bring

1 a property listing to his or her attention, or to refuse to
2 permit him or her to inspect real property;

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

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

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

20 (775 ILCS 5/3-102.5 new)

21 Sec. 3-102.5. Unlawful activity. The prohibition against
22 the use of an arrest record under Section 3-102 shall not
23 preclude an owner or any other person engaging in a real estate
24 transaction, or a real estate broker or salesman, from
25 prohibiting the tenant, a member of the tenant's household, or

1 a guest of the tenant from engaging in unlawful activity on the
2 premises.

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

4 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
5 shall prohibit:

6 (A) Private Sales of Single Family Homes.

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

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

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

14 (c) The home is sold without the use in any manner
15 of the sales or rental facilities or services of any
16 real estate broker or salesman, or of any employee or
17 agent of any real estate broker or salesman;

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

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

24 (B) Apartments. Rental of a housing accommodation in a
25 building which contains housing accommodations for not more

1 than 4 families living independently of each other, if the
2 owner resides in one of the housing accommodations. This
3 exemption does not apply to paragraph (F) of Section 3-102.

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

9 (D) Reasonable local, State, or Federal restrictions
10 regarding the maximum number of occupants permitted to occupy a
11 dwelling.

12 (E) Religious Organizations. A religious organization,
13 association, or society, or any nonprofit institution or
14 organization operated, supervised or controlled by or in
15 conjunction with a religious organization, association, or
16 society, from limiting the sale, rental or occupancy of a
17 dwelling which it owns or operates for other than a commercial
18 purpose to persons of the same religion, or from giving
19 preference to such persons, unless membership in such religion
20 is restricted on account of race, color, or national origin.

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

23 (G) Persons Convicted of Drug-Related Offenses. Conduct
24 against a person because such person has been convicted by any
25 court of competent jurisdiction of the illegal manufacture or
26 distribution of a controlled substance as defined in Section

1 102 of the federal Controlled Substances Act (21 U.S.C. 802).

2 (H) Persons engaged in the business of furnishing
3 appraisals of real property from taking into consideration
4 factors other than those based on unlawful discrimination or
5 familial status in furnishing appraisals.

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

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

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

15 (a) provided under any State or Federal program
16 that the Department determines is specifically
17 designed and operated to assist elderly persons (as
18 defined in the State or Federal program); or

19 (b) intended for, and solely occupied by, persons
20 62 years of age or older; or

21 (c) intended and operated for occupancy by persons
22 55 years of age or older and:

23 (i) at least 80% of the occupied units are
24 occupied by at least one person who is 55 years of
25 age or older;

26 (ii) the housing facility or community

1 publishes and adheres to policies and procedures
2 that demonstrate the intent required under this
3 subdivision (c); and

4 (iii) the housing facility or community
5 complies with rules adopted by the Department for
6 verification of occupancy, which shall:

7 (aa) provide for verification by reliable
8 surveys and affidavits; and

9 (bb) include examples of the types of
10 policies and procedures relevant to a
11 determination of compliance with the
12 requirement of clause (ii).

13 These surveys and affidavits shall be admissible in
14 administrative and judicial proceedings for the purposes
15 of such verification.

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

18 (a) persons residing in such housing as of the
19 effective date of this amendatory Act of 1989 who do
20 not meet the age requirements of subsections (1)(b) or
21 (c); provided, that new occupants of such housing meet
22 the age requirements of subsections (1)(b) or (c) of
23 this subsection; or

24 (b) unoccupied units; provided, that such units
25 are reserved for occupancy by persons who meet the age
26 requirements of subsections (1)(b) or (c) of this

1 subsection.

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

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

10 (i) the person has no actual knowledge that the
11 facility or community is not, or will not be,
12 eligible for the exemption; and

13 (ii) the facility or community has stated
14 formally, in writing, that the facility or
15 community complies with the requirements for the
16 exemption.

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

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

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

26 Section 99. Effective date. This Act takes effect January

1 1, 2020.