



Sen. Ram Villivalam

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10200HB2775sam001

LRB102 15802 LNS 37851 a

1 AMENDMENT TO HOUSE BILL 2775

2 AMENDMENT NO. _____. Amend House Bill 2775 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 1-102, 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
9 policy of this State:

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

1 employment, real estate transactions, access to financial
2 credit, and the availability of public accommodations.

3 (B) Freedom from Sexual Harassment-Employment and
4 Elementary, Secondary, and Higher Education. To prevent sexual
5 harassment in employment and sexual harassment in elementary,
6 secondary, and higher education.

7 (C) Freedom from Discrimination Based on Citizenship
8 Status-Employment. To prevent discrimination based on
9 citizenship status in employment.

10 (C-5) Freedom from Discrimination Based on Work
11 Authorization Status-Employment. To prevent discrimination
12 based on the specific status or term of status that
13 accompanies a legal work authorization.

14 (D) Freedom from Discrimination Based on Familial Status
15 or Source of Income-Real Estate Transactions. To prevent
16 discrimination based on familial status or source of income in
17 real estate transactions.

18 (E) Public Health, Welfare and Safety. To promote the
19 public health, welfare and safety by protecting the interest
20 of all people in Illinois in maintaining personal dignity, in
21 realizing their full productive capacities, and in furthering
22 their interests, rights and privileges as citizens of this
23 State.

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

1 (G) Equal Opportunity, Affirmative Action. To establish
2 Equal Opportunity and Affirmative Action as the policies of
3 this State in all of its decisions, programs and activities,
4 and to assure that all State departments, boards, commissions
5 and instrumentalities rigorously take affirmative action to
6 provide equality of opportunity and eliminate the effects of
7 past discrimination in the internal affairs of State
8 government and in their relations with the public.

9 (H) Unfounded Charges. To protect citizens of this State
10 against unfounded charges of unlawful discrimination, sexual
11 harassment in employment and sexual harassment in elementary,
12 secondary, and higher education, and discrimination based on
13 citizenship status or work authorization status in employment.

14 (Source: P.A. 102-233, eff. 8-2-21.)

15 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

18 (A) Age. "Age" means the chronological age of a person who
19 is at least 40 years old, except with regard to any practice
20 described in Section 2-102, insofar as that practice concerns
21 training or apprenticeship programs. In the case of training
22 or apprenticeship programs, for the purposes of Section 2-102,
23 "age" means the chronological age of a person who is 18 but not
24 yet 40 years old.

25 (B) Aggrieved party. "Aggrieved party" means a person who

1 is alleged or proved to have been injured by a civil rights
2 violation or believes he or she will be injured by a civil
3 rights violation under Article 3 that is about to occur.

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

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

6 (2) a juvenile record; or

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

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

13 (D) Civil rights violation. "Civil rights violation"
14 includes and shall be limited to only those specific acts set
15 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
16 3-102.10, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102,
17 5A-102, 6-101, 6-101.5, and 6-102 of this Act.

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

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

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

1 (G-5) Conviction record. "Conviction record" means
2 information indicating that a person has been convicted of a
3 felony, misdemeanor or other criminal offense, placed on
4 probation, fined, imprisoned, or paroled pursuant to any law
5 enforcement or military authority.

6 (H) Department. "Department" means the Department of Human
7 Rights created by this Act.

8 (I) Disability.

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

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

22 (b) For purposes of Article 3, is unrelated to the
23 person's ability to acquire, rent, or maintain a housing
24 accommodation;

25 (c) For purposes of Article 4, is unrelated to a
26 person's ability to repay;

1 (d) For purposes of Article 5, is unrelated to a
2 person's ability to utilize and benefit from a place of
3 public accommodation;

4 (e) For purposes of Article 5, also includes any
5 mental, psychological, or developmental disability,
6 including autism spectrum disorders.

7 (2) Discrimination based on disability includes unlawful
8 discrimination against an individual because of the
9 individual's association with a person with a disability.

10 (J) Marital status. "Marital status" means the legal
11 status of being married, single, separated, divorced, or
12 widowed.

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

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

25 (K-5) "Order of protection status" means a person's status
26 as being a person protected under an order of protection

1 issued pursuant to the Illinois Domestic Violence Act of 1986,
2 Article 112A of the Code of Criminal Procedure of 1963, the
3 Stalking No Contact Order Act, or the Civil No Contact Order
4 Act, or an order of protection issued by a court of another
5 state.

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

13 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
14 or medical or common conditions related to pregnancy or
15 childbirth.

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

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

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

25 (O-1) Sexual orientation. "Sexual orientation" means
26 actual or perceived heterosexuality, homosexuality,

1 bisexuality, or gender-related identity, whether or not
2 traditionally associated with the person's designated sex at
3 birth. "Sexual orientation" does not include a physical or
4 sexual attraction to a minor by an adult.

5 (O-5) Source of income. "Source of income" means the
6 lawful manner by which an individual supports himself or
7 herself and his or her dependents.

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

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

21 (Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 1-1-20;
22 101-565, eff. 1-1-20; 101-656, eff. 3-23-21; 102-362, eff.
23 1-1-22; 102-419, eff. 1-1-22; 102-558, eff. 8-20-21; revised
24 9-29-21.)

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

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

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

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

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

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

24 (F) Publication of Intent. Make, print, circulate,
25 post, mail, publish or cause to be made, printed,
26 circulated, posted, mailed, or published any notice,

1 statement, advertisement or sign, or use a form of
2 application for a real estate transaction, or make a
3 record or inquiry in connection with a prospective real
4 estate transaction, that indicates any preference,
5 limitation, or discrimination based on unlawful
6 discrimination or unlawful discrimination based on
7 familial status, source of income, or an arrest record, or
8 an intention to make any such preference, limitation, or
9 discrimination;

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

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

16 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

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

19 (A) Solicitation. Solicit for sale, lease, listing or
20 purchase any residential real estate within this State, on the
21 grounds of loss of value due to the present or prospective
22 entry into the vicinity of the property involved of any person
23 or persons of any particular race, color, religion, national
24 origin, ancestry, age, sex, sexual orientation, marital
25 status, familial status, source of income, or disability.

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

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

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

20 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

21 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
22 shall prohibit:

23 (A) Private Sales of Single Family Homes.

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

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

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

6 (c) The home is sold without the use in any manner
7 of the sales or rental facilities or services of any
8 real estate broker or salesman, or of any employee or
9 agent of any real estate broker or salesman;

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

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

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

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

26 (D) Reasonable local, State, or Federal restrictions

1 regarding the maximum number of occupants permitted to occupy
2 a dwelling.

3 (E) Religious Organizations. A religious organization,
4 association, or society, or any nonprofit institution or
5 organization operated, supervised or controlled by or in
6 conjunction with a religious organization, association, or
7 society, from limiting the sale, rental or occupancy of a
8 dwelling which it owns or operates for other than a commercial
9 purpose to persons of the same religion, or from giving
10 preference to such persons, unless membership in such religion
11 is restricted on account of race, color, or national origin.

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

14 (G) Persons Convicted of Drug-Related Offenses. Conduct
15 against a person because such person has been convicted by any
16 court of competent jurisdiction of the illegal manufacture or
17 distribution of a controlled substance as defined in Section
18 102 of the federal Controlled Substances Act (21 U.S.C. 802).

19 (H) Persons engaged in the business of furnishing
20 appraisals of real property from taking into consideration
21 factors other than those based on unlawful discrimination or
22 familial status or source of income in furnishing appraisals.

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

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

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

6 (a) provided under any State or Federal program
7 that the Department determines is specifically
8 designed and operated to assist elderly persons (as
9 defined in the State or Federal program); or

10 (b) intended for, and solely occupied by, persons
11 62 years of age or older; or

12 (c) intended and operated for occupancy by persons
13 55 years of age or older and:

14 (i) at least 80% of the occupied units are
15 occupied by at least one person who is 55 years of
16 age or older;

17 (ii) the housing facility or community
18 publishes and adheres to policies and procedures
19 that demonstrate the intent required under this
20 subdivision (c); and

21 (iii) the housing facility or community
22 complies with rules adopted by the Department for
23 verification of occupancy, which shall:

24 (aa) provide for verification by reliable
25 surveys and affidavits; and

26 (bb) include examples of the types of

1 policies and procedures relevant to a
2 determination of compliance with the
3 requirement of clause (ii).

4 These surveys and affidavits shall be admissible in
5 administrative and judicial proceedings for the purposes
6 of such verification.

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

9 (a) persons residing in such housing as of the
10 effective date of this amendatory Act of 1989 who do
11 not meet the age requirements of subsections (1)(b) or
12 (c); provided, that new occupants of such housing meet
13 the age requirements of subsections (1)(b) or (c) of
14 this subsection; or

15 (b) unoccupied units; provided, that such units
16 are reserved for occupancy by persons who meet the age
17 requirements of subsections (1)(b) or (c) of this
18 subsection.

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

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

1 (i) the person has no actual knowledge that
2 the facility or community is not, or will not be,
3 eligible for the exemption; and

4 (ii) the facility or community has stated
5 formally, in writing, that the facility or
6 community complies with the requirements for the
7 exemption.

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

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

16 (L) Financial Institutions. A financial institution as
17 defined in Article 4 from considering source of income in a
18 real estate transaction in compliance with State or federal
19 law.

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