



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4605

Introduced 1/21/2022, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

775 ILCS 5/3-102	from Ch. 68, par. 3-102
775 ILCS 5/8-111	from Ch. 68, par. 8-111
775 ILCS 5/10-102	from Ch. 68, par. 10-102

Amends the Illinois Human Rights Act. Provides that it is a violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman to otherwise make unavailable or deny a dwelling because of unlawful discrimination, familial status, or an arrest record. Allows a plaintiff or defendant to demand a trial by jury for specified civil actions. Allows a circuit court or jury to award any remedy set forth under a provision regarding a hearing on a complaint upon the finding of a civil rights violation. Effective immediately.

LRB102 24078 LNS 33299 b

1 AN ACT concerning human rights.

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 3-102, 8-111, and 10-102 as follows:

6 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

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

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

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

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

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

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

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

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

22 (H) Make Unavailable. Otherwise make unavailable or
23 deny a dwelling because of unlawful discrimination,
24 familial status, or an arrest record.

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

1 (775 ILCS 5/8-111) (from Ch. 68, par. 8-111)

2 Sec. 8-111. Court Proceedings.

3 (A) Civil Actions Commenced in Circuit Court.

4 (1) Venue. Civil actions commenced in a circuit court
5 pursuant to Section 7A-102 or 8B-102 shall be commenced in
6 the circuit court in the county in which the civil rights
7 violation was allegedly committed.

8 (2) If a civil action is commenced in a circuit court,
9 the form of the complaint shall be in accordance with the
10 Code of Civil Procedure.

11 (3) Jury Trial. If a civil action is commenced in a
12 circuit court under Section 7A-102 or 8B-102, the
13 plaintiff or defendant may demand trial by jury.

14 (4) Remedies. Upon the finding of a civil rights
15 violation, the circuit court or jury may award any of the
16 remedies set forth in Section 8A-104 or 8B-104.

17 (B) Judicial Review.

18 (1) Any complainant or respondent may apply for and
19 obtain judicial review of a final order of the Commission
20 entered under this Act by filing a petition for review in
21 the Appellate Court within 35 days from the date that a
22 copy of the decision sought to be reviewed was served upon
23 the party affected by the decision. If a 3-member panel or
24 the full Commission finds that an interlocutory order
25 involves a question of law as to which there is
26 substantial ground for difference of opinion and that an

1 immediate appeal from the order may materially advance the
2 ultimate termination of the litigation, any party may
3 petition the Appellate Court for permission to appeal the
4 order. The procedure for obtaining the required Commission
5 findings and the permission of the Appellate Court shall
6 be governed by Supreme Court Rule 308, except the
7 references to the "trial court" shall be understood as
8 referring to the Commission.

9 (2) In any proceeding brought for judicial review, the
10 Commission's findings of fact shall be sustained unless
11 the court determines that such findings are contrary to
12 the manifest weight of the evidence.

13 (3) Venue. Proceedings for judicial review shall be
14 commenced in the appellate court for the district wherein
15 the civil rights violation which is the subject of the
16 Commission's order was allegedly committed.

17 (C) Judicial Enforcement.

18 (1) When the Commission, at the instance of the
19 Department or an aggrieved party, concludes that any
20 person has violated a valid order of the Commission issued
21 pursuant to this Act, and the violation and its effects
22 are not promptly corrected, the Commission, through a
23 panel of 3 members, shall order the Department to commence
24 an action in the name of the People of the State of
25 Illinois by complaint, alleging the violation, attaching a
26 copy of the order of the Commission and praying for the

1 issuance of an order directing such person, his or her or
2 its officers, agents, servants, successors and assigns to
3 comply with the order of the Commission.

4 (2) An aggrieved party may file a complaint for
5 enforcement of a valid order of the Commission directly in
6 Circuit Court.

7 (3) Upon the commencement of an action filed under
8 paragraphs (1) or (2) of this subsection, the court shall
9 have jurisdiction over the proceedings and power to grant
10 or refuse, in whole or in part, the relief sought or impose
11 such other remedy as the court may deem proper.

12 (4) The court may stay an order of the Commission in
13 accordance with the applicable Supreme Court rules,
14 pending disposition of the proceedings.

15 (5) The court may punish for any violation of its
16 order as in the case of civil contempt.

17 (6) Venue. Proceedings for judicial enforcement of a
18 Commission order shall be commenced in the circuit court
19 in the county wherein the civil rights violation which is
20 the subject of the Commission's order was committed.

21 (D) Limitation. Except as otherwise provided by law, no
22 court of this state shall have jurisdiction over the subject
23 of an alleged civil rights violation other than as set forth in
24 this Act.

25 (E) This amendatory Act of 1996 applies to causes of
26 action filed on or after January 1, 1996.

1 (F) The changes made to this Section by this amendatory
2 Act of the 95th General Assembly apply to charges or
3 complaints filed with the Department or the Commission on or
4 after the effective date of those changes.

5 (Source: P.A. 101-661, eff. 4-2-21.)

6 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

7 Sec. 10-102. Court Actions.

8 (A) Circuit Court Actions.

9 (1) An aggrieved party may commence a civil action in
10 an appropriate Circuit Court not later than 2 years after
11 the occurrence or the termination of an alleged civil
12 rights violation or the breach of a conciliation or
13 settlement agreement entered into under this Act,
14 whichever occurs last, to obtain appropriate relief with
15 respect to the alleged civil rights violation or breach.
16 The plaintiff or defendant may demand trial by jury for
17 civil actions brought under this subsection. Venue for
18 such civil action shall be determined under Section
19 8-111(A)(1).

20 (2) The computation of such 2-year period shall not
21 include any time during which an administrative proceeding
22 under this Act was pending with respect to a complaint or
23 charge under this Act based upon the alleged civil rights
24 violation. This paragraph does not apply to actions
25 arising from a breach of a conciliation or settlement

1 agreement.

2 (3) An aggrieved party may commence a civil action
3 under this subsection whether or not a charge has been
4 filed under Section 7B-102 and without regard to the
5 status of any such charge, however, if the Department or
6 local agency has obtained a conciliation or settlement
7 agreement with the consent of an aggrieved party, no
8 action may be filed under this subsection by such
9 aggrieved party with respect to the alleged civil rights
10 violation practice which forms the basis for such
11 complaint except for the purpose of enforcing the terms of
12 such conciliation or settlement agreement.

13 (4) An aggrieved party shall not commence a civil
14 action under this subsection with respect to an alleged
15 civil rights violation which forms the basis of a
16 complaint issued by the Department if a hearing officer
17 has commenced a hearing on the record under Article 3 of
18 this Act with respect to such complaint.

19 (B) Appointment of Attorney by Court. Upon application by
20 a person alleging a civil rights violation or a person against
21 whom the civil rights violation is alleged, if in the opinion
22 of the court such person is financially unable to bear the
23 costs of such action, the court may:

24 (1) appoint an attorney for such person, any attorney
25 so appointed may petition for an award of attorneys fees
26 pursuant to subsection (C) (2) of this Section; or

1 (2) authorize the commencement or continuation of a
2 civil action under subsection (A) without the payment of
3 fees, costs, or security.

4 (C) Relief which may be granted.

5 (1) In a civil action under subsection (A) if the
6 court finds that a civil rights violation has occurred or
7 is about to occur, the court may award to the plaintiff
8 actual and punitive damages, and may grant as relief, as
9 the court deems appropriate, any permanent or preliminary
10 injunction, temporary restraining order, or other order,
11 including an order enjoining the defendant from engaging
12 in such civil rights violation or ordering such
13 affirmative action as may be appropriate.

14 (2) In a civil action under subsection (A), the court,
15 in its discretion, may allow the prevailing party, other
16 than the State of Illinois, reasonable attorneys fees and
17 costs. The State of Illinois shall be liable for such fees
18 and costs to the same extent as a private person.

19 (D) Intervention By The Department. The Attorney General
20 of Illinois may intervene on behalf of the Department if the
21 Department certifies that the case is of general public
22 importance. Upon such intervention the court may award such
23 relief as is authorized to be granted to a plaintiff in a civil
24 action under Section 10-102(C).

25 (Source: P.A. 101-661, eff. 4-2-21.)

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

1 becoming law.