

102ND GENERAL ASSEMBLY**State of Illinois****2021 and 2022****SB2492**

Introduced 2/26/2021, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

See Index

Amends the Homelessness Prevention Act. Provides that the Department of Human Services shall be mindful of preventing undue administrative burden in the application process for individual tenants in applying for assistance. Provides that program staff shall endeavor to lessen any administrative burden on landlords receiving assistance payments. Amends the Eviction Article of the Code of Civil Procedure. Provides that a defendant shall have an affirmative defense to any action where the plaintiff demands has made a demand for possession that is based on unpaid rent regardless of whether the owner has joined in the action a claim for rent if the defendant, a social services agency, or a government agency offered the owner an application for emergency housing assistance and the owner refused to complete the process to obtain the emergency housing assistance and the defendant would have been eligible for the emergency housing assistance program. Provides that the owner may overcome the affirmative defense only if the court makes a finding that the application for emergency housing assistance would impose a significant administrative burden on the owner. Amends the Illinois Human Rights Act. Defines "source of income". Provides that if a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, then the landlord shall subtract any source of income in the form of a rent voucher or subsidy from the total of the monthly rent prior to calculating if the income criteria have been met. Provides that a landlord shall not apply an income or asset requirement to a tenant with a non-wage source of income that the landlord does not apply to all tenants. Provides that if an income or asset requirement serves to generally exclude participants in a housing or benefits program, that requirement shall be considered presumptively discriminatory. Makes other changes.

LRB102 16536 LNS 21931 b

1 AN ACT concerning housing.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Homelessness Prevention Act is amended by
5 changing Sections 4 and 10 as follows:

6 (310 ILCS 70/4) (from Ch. 67 1/2, par. 1304)

7 Sec. 4. Homelessness Prevention and Assistance Program.

8 (a) The Department shall establish a family homelessness
9 prevention and assistance program to stabilize families in
10 their existing homes, to shorten the amount of time that
11 families stay in emergency shelters, and to assist families
12 with securing affordable transitional or permanent housing.
13 The Department shall make grants, from funds appropriated to
14 it, to develop and implement homelessness prevention and
15 assistance projects under this Act.

16 (b) Grants may be made from funds appropriated for the
17 purposes of this Act and from any federal funds or funds from
18 other sources which are made available for the purposes of
19 this Act. Grants shall be made under this Act only to the
20 extent that funds are available.

21 (c) The Department shall be mindful of preventing undue
22 administrative burden in the application process for
23 individual tenants applying for assistance authorized under

1 this Act.

2 (Source: P.A. 94-91, eff. 7-1-05.)

3 (310 ILCS 70/10) (from Ch. 67 1/2, par. 1310)

4 Sec. 10. (a) Program staff shall, whenever practicable,
5 negotiate with the landlord of a household approved for
6 assistance under the program to enable the household to remain
7 in its current housing.

8 (b) Program staff shall, when there has been a loss of
9 public benefits to the household, take all practicable steps
10 to assist in the restoration of the household's public
11 benefits.

12 (c) Program staff shall identify, and assist households in
13 applying for, any form of public benefits or entitlements for
14 which the household may be eligible.

15 (d) Program staff shall, after the end of each State
16 fiscal year and as determined by the Department of Human
17 Services, determine whether the household has remained in the
18 residence in which they were residing at the time assistance
19 was provided, and determine whether the living situation of
20 the household is stable.

21 (e) Program staff, to the extent practicable, shall
22 endeavor to lessen any administrative burden on landlords
23 receiving assistance payments under this Act.

24 (Source: P.A. 96-291, eff. 8-11-09.)

1 Section 10. The Code of Civil Procedure is amended by
2 adding Section 9-106.4 as follows:

3 (735 ILCS 5/9-106.4 new)

4 Sec. 9-106.4. Affirmative defense regarding emergency
5 housing assistance.

6 (a) The General Assembly hereby finds that:

7 (1) Homelessness frequently results from a temporary
8 economic crisis such as a temporary loss of employment,
9 medical emergency, or loss or interruption of public
10 benefits.

11 (2) The prevention of homelessness, as opposed to
12 providing temporary shelter or offering other short-term
13 solutions to persons who become homeless, is
14 cost-effective, preserves family self-respect, and helps
15 to keep families intact.

16 (3) Short-term interventions for the prevention of
17 homelessness serve to prevent the need for long-term
18 assistance programs that are costlier to taxpayers.

19 (4) The cost-effectiveness and other goals of
20 homelessness prevention programs are undercut when the
21 State, its federal or municipal governmental partners, or
22 private charitable funders appropriate funds for
23 homelessness prevention programs, but owners of private
24 property refuse to engage in de minimus paperwork or
25 bookkeeping tasks to process funding applications;

1 thereby, homelessness is not prevented and family
2 stability is not secured.

3 (5) State governmental programs shall be mindful of
4 undue paperwork requirements in administering such funds
5 and shall encourage governmental and private charitable
6 partners to be likewise mindful.

7 (b) An affirmative defense applies to any action
8 maintained under this Article in which the plaintiff has made
9 a demand for possession that is based on unpaid rent
10 regardless of whether the owner or the agent of the owner has
11 joined in the action a claim for rent pursuant to Section
12 9-201.

13 (c) A defendant may assert an affirmative defense if the
14 defendant, a social services agency, or a government agency
15 offered the owner or its agent an application for emergency
16 housing assistance and the owner or the agent of the owner
17 refused to complete the process to obtain the emergency
18 housing assistance and the defendant would have been eligible
19 for the emergency housing assistance program.

20 (d) The owner or the agent of the owner may overcome this
21 affirmative defense only if the court makes a finding that the
22 application for emergency housing assistance would impose a
23 significant administrative burden on the owner or the agent of
24 the owner. It is not a significant administrative burden for
25 the owner or the agent of the owner to:

26 (1) submit a social security number or taxpayer ID

- 1 number;
- 2 (2) complete an Internal Revenue Service form W-9;
- 3 (3) submit a voided bank account check or deposit
4 slip;
- 5 (4) submit a bank account number for the purposes of
6 direct deposit;
- 7 (5) submit proof of ownership;
- 8 (6) submit proof of payment of property taxes;
- 9 (7) allow the agency to inspect the premises to
10 determine that the property meets the prevailing building
11 code requirements; or
- 12 (8) agree to discontinue termination of tenancy
13 proceedings if the tenant and the agency offer to tender
14 the full amount of past due rent.
- 15 (e) For purposes of this Section, "emergency housing
16 assistance" means monetary grants made to tenants or landlords
17 through the Homelessness Prevention Act for the purposes of
18 rent payments or monetary grants by any similar program
19 administered by federal, State, township, or municipal
20 governments or private charitable funders.

21 Section 15. The Illinois Human Rights Act is amended by
22 changing Sections 1-102, 1-103, 3-102, 3-103, 3-106, and
23 8B-104 and by adding Section 3-102.2 as follows:

24 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

1 Sec. 1-102. Declaration of Policy. It is the public
2 policy of this State:

3 (A) Freedom from Unlawful Discrimination. To secure for
4 all individuals within Illinois the freedom from
5 discrimination against any individual because of his or her
6 race, color, religion, sex, national origin, ancestry, age,
7 order of protection status, marital status, physical or mental
8 disability, military status, sexual orientation, pregnancy, or
9 unfavorable discharge from military service in connection with
10 employment, real estate transactions, access to financial
11 credit, and the availability of public accommodations.

12 (B) Freedom from Sexual Harassment-Employment and
13 Elementary, Secondary, and Higher Education. To prevent sexual
14 harassment in employment and sexual harassment in elementary,
15 secondary, and higher education.

16 (C) Freedom from Discrimination Based on Citizenship
17 Status-Employment. To prevent discrimination based on
18 citizenship status in employment.

19 (D) Freedom from Discrimination Based on Familial Status
20 or Source of Income-Real Estate Transactions. To prevent
21 discrimination based on familial status or source of income in
22 real estate transactions.

23 (E) Public Health, Welfare and Safety. To promote the
24 public health, welfare and safety by protecting the interest
25 of all people in Illinois in maintaining personal dignity, in
26 realizing their full productive capacities, and in furthering

1 their interests, rights and privileges as citizens of this
2 State.

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

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

14 (H) Unfounded Charges. To protect citizens of this State
15 against unfounded charges of unlawful discrimination, sexual
16 harassment in employment and sexual harassment in elementary,
17 secondary, and higher education, and discrimination based on
18 citizenship status in employment.

19 (Source: P.A. 98-1050, eff. 1-1-15.)

20 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

23 (A) Age. "Age" means the chronological age of a person who
24 is at least 40 years old, except with regard to any practice
25 described in Section 2-102, insofar as that practice concerns

1 training or apprenticeship programs. In the case of training
2 or apprenticeship programs, for the purposes of Section 2-102,
3 "age" means the chronological age of a person who is 18 but not
4 yet 40 years old.

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

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

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

11 (2) a juvenile record; or

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

15 (C) Charge. "Charge" means an allegation filed with the
16 Department by an aggrieved party or initiated by the
17 Department under its authority.

18 (D) Civil rights violation. "Civil rights violation"
19 includes and shall be limited to only those specific acts set
20 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
21 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
22 6-101, and 6-102 of this Act.

23 (E) Commission. "Commission" means the Human Rights
24 Commission created by this Act.

25 (F) Complaint. "Complaint" means the formal pleading filed
26 by the Department with the Commission following an

1 investigation and finding of substantial evidence of a civil
2 rights violation.

3 (G) Complainant. "Complainant" means a person including
4 the Department who files a charge of civil rights violation
5 with the Department or the Commission.

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

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

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

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

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

26 (4) For purposes of Article 5, is unrelated to a

1 person's ability to utilize and benefit from a place of
2 public accommodation;

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

6 (J) Marital status. "Marital status" means the legal
7 status of being married, single, separated, divorced, or
8 widowed.

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

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

21 (K-5) "Order of protection status" means a person's status
22 as being a person protected under an order of protection
23 issued pursuant to the Illinois Domestic Violence Act of 1986,
24 Article 112A of the Code of Criminal Procedure of 1963, the
25 Stalking No Contact Order Act, or the Civil No Contact Order
26 Act, or an order of protection issued by a court of another

1 state.

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

9 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
10 or medical or common conditions related to pregnancy or
11 childbirth.

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

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

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

21 (O-1) Sexual orientation. "Sexual orientation" means
22 actual or perceived heterosexuality, homosexuality,
23 bisexuality, or gender-related identity, whether or not
24 traditionally associated with the person's designated sex at
25 birth. "Sexual orientation" does not include a physical or
26 sexual attraction to a minor by an adult.

1 (O-5) Source of income. "Source of income" means lawful,
2 verifiable income paid directly to a tenant, or to a
3 representative of a tenant, or paid to a housing owner or
4 landlord on behalf of a tenant, including federal, State, or
5 local public or private assistance, and federal, State, or
6 local housing subsidies, including, but not limited to,
7 emergency housing assistance, social security, or federal
8 housing assistance vouchers issued under Section 8 of the
9 United States Housing Act of 1937 (42 U.S.C. Sec. 1437f) and
10 the federal Department of Housing and Urban Development
11 Veterans Affairs Supportive Housing voucher. "Source of
12 income" does not include income derived in a manner that is
13 illegal in this State.

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

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

1 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;
2 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)

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

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

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

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

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

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

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

1 permit him or her to inspect real property;

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

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

20 (775 ILCS 5/3-102.2 new)

21 Sec. 3-102.2. Calculation of income or assets. If a
22 landlord requires that a prospective tenant or current tenant
23 have a certain level of income, then the landlord shall
24 subtract any source of income in the form of a rent voucher or
25 subsidy from the total of the monthly rent prior to

1 calculating if the income criteria have been met. A landlord
2 shall not apply an income or asset requirement to a tenant with
3 a non-wage source of income that the landlord does not apply to
4 all tenants. A landlord commits a civil rights violation if
5 the landlord does not comply with the requirements of this
6 Section. If an income or asset requirement serves to generally
7 exclude participants in a housing or benefits program, a
8 landlord who imposes such a requirement is presumed to have
9 committed a civil rights violation within the meaning of this
10 Act.

11 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

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

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

21 (B) Statements. Distribute or cause to be distributed,
22 written material or statements designed to induce any owner of
23 residential real estate in this State to sell or lease his or
24 her property because of any present or prospective changes in
25 the race, color, religion, national origin, ancestry, age,

1 sex, sexual orientation, marital status, familial
2 status, source of income, or disability of residents in the
3 vicinity of the property involved.

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

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

15 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

16 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
17 shall prohibit:

18 (A) Private Sales of Single Family Homes.

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

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

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

1 (c) The home is sold without the use in any manner
2 of the sales or rental facilities or services of any
3 real estate broker or salesman, or of any employee or
4 agent of any real estate broker or salesman;

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

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

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

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

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

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

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

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

9 (G) Persons Convicted of Drug-Related Offenses. Conduct
10 against a person because such person has been convicted by any
11 court of competent jurisdiction of the illegal manufacture or
12 distribution of a controlled substance as defined in Section
13 102 of the federal Controlled Substances Act (21 U.S.C. 802).

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

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

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

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

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

5 (b) intended for, and solely occupied by, persons
6 62 years of age or older; or

7 (c) intended and operated for occupancy by persons
8 55 years of age or older and:

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

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

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

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

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

25 These surveys and affidavits shall be admissible in
26 administrative and judicial proceedings for the purposes

1 of such verification.

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

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

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

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

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

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

25 (ii) the facility or community has stated
26 formally, in writing, that the facility or

1 community complies with the requirements for the
2 exemption.

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

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

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

12 (775 ILCS 5/8B-104) (from Ch. 68, par. 8B-104)

13 Sec. 8B-104. Relief; penalties. Upon finding a civil
14 rights violation, a hearing officer may recommend and the
15 Commission or any three-member panel thereof may provide for
16 any relief or penalty identified in this Section, separately
17 or in combination, by entering an order directing the
18 respondent to:

19 (A) Cease and Desist Order. Cease and desist from any
20 violation of this Act.

21 (B) Actual Damages. Pay actual damages, as reasonably
22 determined by the Commission, for injury or loss suffered
23 by the complainant.

24 (C) Civil Penalty. Pay a civil penalty to vindicate
25 the public interest:

1 (i) in an amount not exceeding \$16,000 if the
2 respondent has not been adjudged to have committed any
3 prior civil rights violation under Article 3;

4 (ii) in an amount not exceeding \$42,500 if the
5 respondent has been adjudged to have committed one
6 other civil rights violation under Article 3 during
7 the 5-year period ending on the date of the filing of
8 this charge; and

9 (iii) in an amount not exceeding \$70,000 if the
10 respondent has been adjudged to have committed 2 or
11 more civil rights violations under Article 3 during
12 the 7-year period ending on the date of the filing of
13 this charge; except that if the acts constituting the
14 civil rights violation that is the object of the
15 charge are committed by the same natural person who
16 has been previously adjudged to have committed acts
17 constituting a civil rights violation under Article 3,
18 then the civil penalties set forth in subparagraphs
19 (ii) and (iii) may be imposed without regard to the
20 period of time within which any subsequent civil
21 rights violation under Article 3 occurred.

22 (D) Attorney Fees; Costs. Pay to the complainant all
23 or a portion of the costs of maintaining the action,
24 including reasonable attorneys fees and expert witness
25 fees incurred in maintaining this action before the
26 Department, the Commission and in any judicial review and

1 judicial enforcement proceedings.

2 (E) Compliance Report. Report as to the manner of
3 compliance.

4 (F) Posting of Notices. Post notices in a conspicuous
5 place which the Commission may publish or cause to be
6 published setting forth requirements for compliance with
7 this Act or other relevant information which the
8 Commission determines necessary to explain this Act.

9 (G) Make Complainant Whole. Take such action as may be
10 necessary to make the individual complainant whole,
11 including, but not limited to, awards of interest on the
12 complainant's actual damages from the date of the civil
13 rights violation.

14 (H) Other Relief. Any other relief as the hearing
15 officer and the Commission deem appropriate, including any
16 permanent or temporary injunction, temporary restraining
17 order, or other order, including an order enjoining the
18 defendant from engaging in such practice or ordering such
19 affirmative action as may be appropriate.

20 (Source: P.A. 99-548, eff. 1-1-17.)

1 INDEX

2 Statutes amended in order of appearance

3	310 ILCS 70/4	from Ch. 67 1/2, par. 1304
4	310 ILCS 70/10	from Ch. 67 1/2, par. 1310
5	735 ILCS 5/9-106.4 new	
6	775 ILCS 5/1-102	from Ch. 68, par. 1-102
7	775 ILCS 5/1-103	from Ch. 68, par. 1-103
8	775 ILCS 5/3-102	from Ch. 68, par. 3-102
9	775 ILCS 5/3-102.2 new	
10	775 ILCS 5/3-103	from Ch. 68, par. 3-103
11	775 ILCS 5/3-106	from Ch. 68, par. 3-106
12	775 ILCS 5/8B-104	from Ch. 68, par. 8B-104