



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB1441

Introduced 2/7/2023, by Sen. Rachel Ventura

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/3-102	from Ch. 68, par. 3-102
775 ILCS 5/3-102.10	
775 ILCS 5/3-106	from Ch. 68, par. 3-106

Amends the Real Estate Transactions Article of the Illinois Human Rights Act. Provides that it is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of a conviction record to: refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction; alter the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith; refuse to negotiate for a real estate transaction with a person; represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property; make, print, circulate, post, mail, publish, or cause to be made, printed, circulated, posted, mailed, or published any notice, statement, advertisement, or sign, or use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, that indicates any preference, limitation, or discrimination based on a conviction record or an intention to make any such preference, limitation, or discrimination; or offer, solicit, accept, use, or retain a listing of real property with knowledge that discrimination on the basis of a conviction record in a real estate transaction is intended. Provides that it is a civil rights violation for a third-party loan modification service provider, because of a conviction record, to: refuse to engage in loan modification services; alter the terms, conditions, or privileges of such services; or discriminate in making such services available. Provides that nothing contained in the provision regarding civil rights violations in real estate transactions shall prohibit inquiry into or the use of a conviction record if the inquiry or use is otherwise authorized by State or federal law.

LRB103 28599 LNS 54980 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, 3-102.10, and 3-106 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, source of income, ~~or~~ an  
12 arrest record, as defined under subsection (B-5) of Section  
13 1-103, or a conviction record, as defined under subsection  
14 (G-5) of Section 1-103, to:

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

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

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

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

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

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

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

26 (Source: P.A. 101-565, eff. 1-1-20; 102-896, eff. 1-1-23.)

1 (775 ILCS 5/3-102.10)

2 Sec. 3-102.10. Third-party loan modification service  
3 provider.

4 (A) It is a civil rights violation for a third-party loan  
5 modification service provider, because of unlawful  
6 discrimination, familial status, ~~or~~ an arrest record, or a  
7 conviction record, to:

8 (1) refuse to engage in loan modification services;

9 (2) alter the terms, conditions, or privileges of such  
10 services; or

11 (3) discriminate in making such services available,  
12 including, but not limited to, by making a statement,  
13 advertisement, representation, inquiry, listing, offer, or  
14 solicitation that indicates a preference or the intention  
15 to make such a preference in making such services  
16 available.

17 (B) For purposes of this Section, "third-party loan  
18 modification service provider" means a person or entity,  
19 whether licensed or not, who, for or with the expectation of  
20 receiving consideration, provides assistance or services to a  
21 loan borrower to obtain a modification to a term of an existing  
22 real estate loan or to obtain foreclosure relief. "Third-party  
23 loan modification service provider" does not include lenders,  
24 brokers, or appraisers of mortgage loans, or the servicers,  
25 subsidiaries, affiliates, or agents of the lender.

1 (Source: P.A. 102-362, eff. 1-1-22.)

2 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

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

5 (A) Private Sales of Single Family Homes.

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

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

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

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

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

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

23 (B) Apartments. Rental of a housing accommodation in a  
24 building which contains housing accommodations for not more  
25 than 4 families living independently of each other, if the

1 owner resides in one of the housing accommodations. This  
2 exemption does not apply to paragraph (F) of Section 3-102.

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

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

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

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

22 (G) Persons Convicted of Drug-Related Offenses. Conduct  
23 against a person because such person has been convicted by any  
24 court of competent jurisdiction of the illegal manufacture or  
25 distribution of a controlled substance as defined in Section  
26 102 of the federal Controlled Substances Act (21 U.S.C. 802).

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

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

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

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

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

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

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

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

25                           (ii) the housing facility or community  
26 publishes and adheres to policies and procedures

1           that demonstrate the intent required under this  
2           subdivision (c); and

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

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

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

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

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

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

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



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

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

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

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

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

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

23           (K-1) Conviction Records. Inquiry into or the use of a  
24           conviction record if the inquiry or use is otherwise  
25           authorized by State or federal law.

26           (L) Financial Institutions. A financial institution as

1 defined in Article 4 from considering source of income in a  
2 real estate transaction in compliance with State or federal  
3 law.

4 (Source: P.A. 101-565, eff. 1-1-20; 102-896, eff. 1-1-23.)