

1 AN ACT in relation to 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 1-102, 1-103, and 3-102 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

9 (A) Freedom from Unlawful Discrimination. To secure for  
10 all individuals within Illinois the freedom from  
11 discrimination against any individual because of his or her  
12 race, color, religion, sex, national origin, ancestry, age,  
13 marital status, physical or mental handicap, military status,  
14 or unfavorable discharge from military service in connection  
15 with employment, real estate transactions, access to  
16 financial credit, and the availability of public  
17 accommodations.

18 (B) Freedom from Sexual Harassment-Employment and Higher  
19 Education. To prevent sexual harassment in employment and  
20 sexual harassment in higher education.

21 (C) Freedom from Discrimination Based on Citizenship  
22 Status-Employment. To prevent discrimination based on  
23 citizenship status in employment.

24 (D) Freedom from Discrimination Based on Familial Status  
25 or Source of Income-Real Estate Transactions. To prevent  
26 discrimination based on familial status or source of income  
27 in real estate transactions, while recognizing the need for  
28 mixed-income housing.

29 (E) Public Health, Welfare and Safety. To promote the  
30 public health, welfare and safety by protecting the interest  
31 of all people in Illinois in maintaining personal dignity, in

1 realizing their full productive capacities, and in furthering  
2 their interests, rights and privileges as citizens of this  
3 State.

4 (F) Implementation of Constitutional Guarantees. To  
5 secure and guarantee the rights established by Sections 17,  
6 18 and 19 of Article I of the Illinois Constitution of 1970.

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

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

20 (Source: P.A. 87-579; 88-178.)

21 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

31 (B) Aggrieved Party. "Aggrieved party" means a person  
32 who is alleged or proved to have been injured by a civil  
33 rights violation or believes he or she will be injured by a

1 civil rights violation under Article 3 that is about to  
2 occur.

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

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

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

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

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

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

22 (I) Handicap. "Handicap" means a determinable physical  
23 or mental characteristic of a person, including, but not  
24 limited to, a determinable physical characteristic which  
25 necessitates the person's use of a guide, hearing or support  
26 dog, the history of such characteristic, or the perception of  
27 such characteristic by the person complained against, which  
28 may result from disease, injury, congenital condition of  
29 birth or functional disorder and which characteristic:

30 (1) For purposes of Article 2 is unrelated to the  
31 person's ability to perform the duties of a particular  
32 job or position and, pursuant to Section 2-104 of this  
33 Act, a person's illegal use of drugs or alcohol is not a  
34 handicap;

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

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

6           (4) For purposes of Article 5, is unrelated to a  
7 person's ability to utilize and benefit from a place of  
8 public accommodation.

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

12           (J-1) Military Status. "Military status" means a  
13 person's status on active duty in the armed forces of the  
14 United States.

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

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

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

27           (N) Religion. "Religion" includes all aspects of  
28 religious observance and practice, as well as belief, except  
29 that with respect to employers, for the purposes of Article  
30 2, "religion" has the meaning ascribed to it in paragraph (F)  
31 of Section 2-101.

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

33           (O-5) Source of Income. "Source of income" means any  
34 lawful income, subsidy, or benefit with which an individual

1 supports himself or herself and his or her dependents,  
 2 including, but not limited to, child support, maintenance,  
 3 and any federal, State, or local public assistance, medical  
 4 assistance, or rental assistance program.

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

11 (Q) Unlawful Discrimination. "Unlawful discrimination"  
 12 means discrimination against a person because of his or her  
 13 race, color, religion, national origin, ancestry, age, sex,  
 14 marital status, handicap, military status, or unfavorable  
 15 discharge from military service as those terms are defined in  
 16 this Section.

17 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

18 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

19 Sec. 3-102. Civil Rights Violations; Real Estate  
 20 Transactions) It is a civil rights violation for an owner or  
 21 any other person engaging in a real estate transaction, or  
 22 for a real estate broker or salesman, because of unlawful  
 23 discrimination or familial status or source of income, to

24 (A) Transaction. Refuse to engage in a real estate  
 25 transaction with a person or to discriminate in making  
 26 available such a transaction;

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

30 (C) Offer. Refuse to receive or to fail to transmit a  
 31 bona fide offer to engage in a real estate transaction from a  
 32 person;

33 (D) Negotiation. Refuse to negotiate for a real estate

1 transaction with a person;

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

7 (F) Publication of Intent. Print, circulate, post,  
8 mail, publish or cause to be so published a written or oral  
9 statement, advertisement or sign, or to use a form of  
10 application for a real estate transaction, or to make a  
11 record or inquiry in connection with a prospective real  
12 estate transaction, which expresses any limitation founded  
13 upon, or indicates, directly or indirectly, an intent to  
14 engage in unlawful discrimination;

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

19 Nothing in this Section, or in any municipal or county  
20 ordinance described in Section 7-108 of this Act, however,  
21 prohibits the consideration of source of income in connection  
22 with any housing development project in which 25% or more of  
23 the units either (i) are owned by a public housing authority  
24 or (ii) receive rental subsidies authorized under Section 8  
25 of the United States Housing Act of 1937 or receive any other  
26 local, State, or federal rental subsidy or benefit.

27 (Source: P.A. 86-910.)