

1 AN ACT in relation to homeless persons.

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

4 Section 1. Short title. This Act may be cited as the Bill
5 of Rights for the Homeless Act.

6 Section 5. Legislative intent. It is the long-standing
7 policy of this State that no person should suffer unnecessarily
8 from cold or hunger, or be deprived of shelter or the basic
9 rights incident to shelter. At the present time, many persons
10 have been rendered homeless as a result of economic adversity,
11 a severe shortage of affordable housing, and increased stress
12 due to the complexity of daily living that has created an
13 inability on the part of those persons to interact in society.
14 It is the intent of this Act to lessen the adverse effects and
15 conditions caused by the lack of residence or a home.

16 Section 10. Bill of Rights.

17 (a) No person's rights, privileges, or access to public
18 services may be denied or abridged solely because he or she is
19 homeless. Such a person shall be granted the same rights and
20 privileges as any other citizen of this State. These rights
21 include but are not limited to the following:

22 (1) The right to live in any community in this State in
23 which he or she can afford to live.

24 (2) The right to choose a type of living arrangements
25 in accordance with local regulations without harassment or
26 interference from any other citizen or from any public or
27 private entity.

28 (3) The right to employment and training opportunities
29 in accordance with his or her interests and abilities.

30 (4) The right to access emergency medical health
31 services in any health care facility doing business in this

1 State.

2 (5) The right to manage his or her own personal
3 finances notwithstanding his or her living arrangements,
4 unless (i) the person voluntarily signs a written
5 agreement, sworn to and witnessed before a notary public,
6 authorizing an individual or agency to manage his or her
7 finances, (ii) the person resides in a shelter for homeless
8 persons and has enrolled in a savings program designed to
9 provide rent money upon the person's departure from the
10 shelter, or (iii) the person has been ruled or adjudicated
11 by a court of competent jurisdiction to be incompetent to
12 manage his or her financial affairs.

13 (6) The right to not be coerced or penalized in any way
14 for not taking any medication or for not undergoing any
15 medical treatment that has not been authorized by a
16 qualified physician.

17 (7) In the case of a group living arrangement or
18 long-term care facility, the right to receive and sign any
19 check, voucher, or other warrant or legal tender issued in
20 his or her name before the moneys may be expended by the
21 person's landlord or a public or private agency, unless the
22 person waives the right in a writing sworn to before a
23 notary public. If the person is unable to sign his or her
24 name, the person may make his or her signature with an "X"
25 that is witnessed by 2 other persons not employed or
26 directly associated with the landlord or agency,
27 preferably a relative or guardian of the person or someone
28 designated by the person beforehand.

29 (8) The right to vote, which may not be denied solely
30 because the person does not have a permanent residence,
31 notwithstanding any provision of the Election Code.

32 (9) The right of visitation with family members,
33 friends, clergy, and professional or public consultants
34 notwithstanding the person's living arrangements, as long
35 as the visitation does not interfere with the smooth
36 operation of the person's place of residence.

1 (10) The right to receive public services or
2 accommodations offered to any other citizen of this State
3 in accordance, with established eligibility guidelines for
4 those services.

5 (11) The right to confidentiality of records. Homeless
6 shelters shall obtain a voluntary written release from a
7 homeless person prior to disclosing any personal
8 information regarding the homeless person, including, but
9 not limited to, name, social security number, and birth
10 date, except in aggregate form. The right to
11 confidentiality of records includes the dissemination of
12 materials to other agencies, either private or public. The
13 homeless person shall be given the option of whether to
14 release records via informed consent, based on guidelines
15 from the Office of Human Research Protections, United
16 States Department of Health and Human Services, including:

17 (A) the expected duration of the subject's
18 participation;

19 (B) an explanation of whom to contact for answers
20 to pertinent questions about the research and research
21 subjects' rights, and whom to contact in the event of a
22 research-related injury to the subject;

23 (C) a statement that participation in releasing
24 records is voluntary, refusal to participate will
25 involve no penalty or loss of benefits to which the
26 subject is otherwise entitled, and the subject may
27 discontinue participation in the record release at any
28 time without penalty or loss of benefits to which the
29 subject is otherwise entitled;

30 (D) a description of any reasonably foreseeable
31 risks or discomforts to the subject; and

32 (E) a statement describing the extent, if any, to
33 which confidentiality of records identifying the
34 subject will be maintained.

35 (b) The Department of Human Rights shall enforce the rights
36 of homeless persons set forth in subsection (a) in accordance

1 with the Illinois Human Rights Act.

2 Section 15. DCEO; housing assistance. The Department of
3 Commerce and Economic Opportunity may establish priorities of
4 eligibility for temporary rental or other housing assistance
5 among the various categories of persons needing assistance in
6 obtaining or retaining housing, including, without limitation,
7 persons subject to immediate eviction for nonpayment of rent or
8 subject to foreclosure for nonpayment of mortgage installments
9 or property taxes, when nonpayment is attributable to illness,
10 unemployment, underemployment, or any other failure of lack of
11 resources beyond the person's control.

12 Section 90. The Illinois Human Rights Act is amended by
13 changing Sections 1-102 and 1-103 as follows:

14 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

17 (A) Freedom from Unlawful Discrimination. To secure for all
18 individuals within Illinois the freedom from discrimination
19 against any individual because of his or her race, color,
20 religion, sex, national origin, ancestry, age, marital status,
21 physical or mental handicap, housing status, military status,
22 or unfavorable discharge from military service in connection
23 with employment, real estate transactions, access to financial
24 credit, and the availability of public accommodations.

25 (B) Freedom from Sexual Harassment-Employment and Higher
26 Education. To prevent sexual harassment in employment and
27 sexual harassment in higher education.

28 (C) Freedom from Discrimination Based on Citizenship
29 Status-Employment. To prevent discrimination based on
30 citizenship status in employment.

31 (D) Freedom from Discrimination Based on Familial
32 Status-Real Estate Transactions. To prevent discrimination
33 based on familial status in real estate transactions.

1 (E) Public Health, Welfare and Safety. To promote the
2 public health, welfare and safety by protecting the interest of
3 all people in Illinois in maintaining personal dignity, in
4 realizing their full productive capacities, and in furthering
5 their interests, rights and privileges as citizens of this
6 State.

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

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

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

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

24 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

34 (B) Aggrieved Party. "Aggrieved party" means a person who
35 is alleged or proved to have been injured by a civil rights

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

3 (C) Charge. "Charge" means an allegation filed with the
4 Department by an aggrieved party or initiated by the Department
5 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 filed
14 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 Human
21 Rights created by this Act.

22 (I) Handicap. "Handicap" means a determinable physical or
23 mental characteristic of a person, including, but not limited
24 to, a determinable physical characteristic which necessitates
25 the person's use of a guide, hearing or support dog, the
26 history of such characteristic, or the perception of such
27 characteristic by the person complained against, which may
28 result from disease, injury, congenital condition of birth or
29 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 job
32 or position and, pursuant to Section 2-104 of this Act, a
33 person's illegal use of drugs or alcohol is not a handicap;

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

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

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

6 (I-5) Housing status. "Housing status" means (i) the type
7 of housing in which an individual resides or (ii) the status of
8 having or not having a fixed or regular residence, including
9 the status of living on the streets, in a shelter, or in a
10 temporary residence.

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

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

15 (K) National Origin. "National origin" means the place in
16 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 subdivisions
26 or any municipal corporation is a party.

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

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

33 (P) Unfavorable Military Discharge. "Unfavorable military
34 discharge" includes discharges from the Armed Forces of the
35 United States, their Reserve components or any National Guard
36 or Naval Militia which are classified as RE-3 or the equivalent

1 thereof, but does not include those characterized as RE-4 or
2 "Dishonorable".

3 (Q) Unlawful Discrimination. "Unlawful discrimination"
4 means discrimination against a person because of his or her
5 race, color, religion, national origin, ancestry, age, sex,
6 marital status, handicap, housing status, military status, or
7 unfavorable discharge from military service as those terms are
8 defined in this Section.

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