

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 1-102, 1-103, 3-103, and 3-106 and the
6 heading of Article 1 and adding Section 1-101.1 as follows:

7 (775 ILCS 5/Art. 1 heading)

8 ARTICLE 1. GENERAL PROVISIONS ~~TITLE 7-POLICY-AND-DEFINITIONS~~

9 (775 ILCS 5/1-101.1 new)

10 Sec. 1-101.1. Construction. Nothing in this Act shall
11 be construed as requiring any employer, employment agency, or
12 labor organization to give preferential treatment or special
13 rights based on sexual orientation or to implement
14 affirmative action policies or programs based on sexual
15 orientation.

16 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

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

28 (B) Freedom from Sexual Harassment-Employment and Higher
29 Education. To prevent sexual harassment in employment and

1 sexual harassment in higher education.

2 (C) Freedom from Discrimination Based on Citizenship
3 Status-Employment. To prevent discrimination based on
4 citizenship status in employment.

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

8 (E) Public Health, Welfare and Safety. To promote the
9 public health, welfare and safety by protecting the interest
10 of all people in Illinois in maintaining personal dignity, in
11 realizing their full productive capacities, and in furthering
12 their interests, rights and privileges as citizens of this
13 State.

14 (F) Implementation of Constitutional Guarantees. To
15 secure and guarantee the rights established by Sections 17,
16 18 and 19 of Article I of the Illinois Constitution of 1970.

17 (G) Equal Opportunity, Affirmative Action. To establish
18 Equal Opportunity and Affirmative Action as the policies of
19 this State in all of its decisions, programs and activities,
20 and to assure that all State departments, boards, commissions
21 and instrumentalities rigorously take affirmative action to
22 provide equality of opportunity and eliminate the effects of
23 past discrimination in the internal affairs of State
24 government and in their relations with the public.

25 (H) Unfounded Charges. To protect citizens of this State
26 against unfounded charges of unlawful discrimination, sexual
27 harassment in employment and sexual harassment in higher
28 education, and discrimination based on citizenship status in
29 employment.

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

31 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

1 (A) Age. "Age" means the chronological age of a person
2 who is at least 40 years old, except with regard to any
3 practice described in Section 2-102, insofar as that practice
4 concerns training or apprenticeship programs. In the case of
5 training or apprenticeship programs, for the purposes of
6 Section 2-102, "age" means the chronological age of a person
7 who is 18 but not yet 40 years old.

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

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

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

21 (E) Commission. "Commission" means the Human Rights
22 Commission created by this Act.

23 (F) Complaint. "Complaint" means the formal pleading
24 filed by the Department with the Commission following an
25 investigation and finding of substantial evidence of a civil
26 rights violation.

27 (G) Complainant. "Complainant" means a person including
28 the Department who files a charge of civil rights violation
29 with the Department or the Commission.

30 (H) Department. "Department" means the Department of
31 Human Rights created by this Act.

32 (I) Handicap. "Handicap" means a determinable physical
33 or mental characteristic of a person, including, but not
34 limited to, a determinable physical characteristic which

1 necessitates the person's use of a guide, hearing or support
2 dog, the history of such characteristic, or the perception of
3 such characteristic by the person complained against, which
4 may result from disease, injury, congenital condition of
5 birth or functional disorder and which characteristic:

6 (1) For purposes of Article 2 is unrelated to the
7 person's ability to perform the duties of a particular
8 job or position and, pursuant to Section 2-104 of this
9 Act, a person's illegal use of drugs or alcohol is not a
10 handicap;

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

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

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

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

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

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

27 (L) Person. "Person" includes one or more individuals,
28 partnerships, associations or organizations, labor
29 organizations, labor unions, joint apprenticeship committees,
30 or union labor associations, corporations, the State of
31 Illinois and its instrumentalities, political subdivisions,
32 units of local government, legal representatives, trustees in
33 bankruptcy or receivers.

34 (M) Public Contract. "Public contract" includes every

1 contract to which the State, any of its political
2 subdivisions or any municipal corporation is a party.

3 (N) Religion. "Religion" includes all aspects of
4 religious observance and practice, as well as belief, except
5 that with respect to employers, for the purposes of Article
6 2, "religion" has the meaning ascribed to it in paragraph (F)
7 of Section 2-101.

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

9 (O-1) Sexual orientation. "Sexual orientation" means
10 having or being perceived as having an emotional, physical,
11 or sexual attraction to another person without regard to the
12 sex of that person or having or being perceived as having an
13 orientation for such attraction, or having or being perceived
14 as having a gender-related self-identity, appearance,
15 expression, or behavior, whether or not traditionally
16 associated with the person's designated sex at birth.

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

23 (Q) Unlawful Discrimination. "Unlawful discrimination"
24 means discrimination against a person because of his or her
25 race, color, religion, national origin, ancestry, age, sex,
26 marital status, handicap, military status, sexual
27 orientation, or unfavorable discharge from military service
28 as those terms are defined in this Section.

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

30 (775 ILCS 5/3-103) (from Ch. 68, par. 3-103)

31 Sec. 3-103. Blockbusting.) It is a civil rights
32 violation for any person to:

33 (A) Solicitation. Solicit for sale, lease, listing or

1 purchase any residential real estate within this State, on
2 the grounds of loss of value due to the present or
3 prospective entry into the vicinity of the property involved
4 of any person or persons of any particular race, color,
5 religion, national origin, ancestry, age, sex, sexual
6 orientation, marital status, familial status or handicap.

7 (B) Statements. Distribute or cause to be distributed,
8 written material or statements designed to induce any owner
9 of residential real estate in this State to sell or lease his
10 or her property because of any present or prospective changes
11 in the race, color, religion, national origin, ancestry, age,
12 sex, sexual orientation, marital status, familial status or
13 handicap of residents in the vicinity of the property
14 involved.

15 (C) Creating Alarm. Intentionally create alarm, among
16 residents of any community, by transmitting communications in
17 any manner, including a telephone call whether or not
18 conversation thereby ensues, with a design to induce any
19 owner of residential real estate in this state to sell or
20 lease his or her property because of any present or
21 prospective entry into the vicinity of the property involved
22 of any person or persons of any particular race, color,
23 religion, national origin, ancestry, age, sex, sexual
24 orientation, marital status, familial status or handicap.

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

26 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

27 Sec. 3-106. Exemptions.) Nothing contained in Section
28 3-102 shall prohibit:

29 (A) Private Sales of Single Family Homes. Any sale of a
30 single family home by its owner so long as the following
31 criteria are met:

32 (1) The owner does not own or have a beneficial
33 interest in more than three single family homes at the

1 time of the sale;

2 (2) The owner or a member of his or her family was
3 the last current resident of the home;

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

8 (4) The home is sold without the publication,
9 posting or mailing, after notice, of any advertisement or
10 written notice in violation of paragraph (F) of Section
11 3-102.

12 (B) Apartments. Rental of a housing accommodation in a
13 building which contains housing accommodations for not more
14 than five families living independently of each other, if the
15 lessor or a member of his or her family resides in one of the
16 housing accommodations;

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

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

25 (E) Religious Organizations. A religious organization,
26 association, or society, or any nonprofit institution or
27 organization operated, supervised or controlled by or in
28 conjunction with a religious organization, association, or
29 society, from limiting the sale, rental or occupancy of a
30 dwelling which it owns or operates for other than a
31 commercial purpose to persons of the same religion, or from
32 giving preference to such persons, unless membership in such
33 religion is restricted on account of race, color, or national
34 origin.

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

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

9 (H) Persons engaged in the business of furnishing
10 appraisals of real property from taking into consideration
11 factors other than those based on unlawful discrimination or
12 familial status in furnishing appraisals.

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

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

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

22 (a) provided under any State or Federal
23 program that the Department determines is
24 specifically designed and operated to assist elderly
25 persons (as defined in the State or Federal
26 program); or

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

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

31 (i) at least 80% of the occupied units
32 are occupied by at least one person who is 55
33 years of age or older;

34 (ii) the housing facility or community

1 publishes and adheres to policies and
2 procedures that demonstrate the intent required
3 under this subdivision (c); and

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

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

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

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

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

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

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

28 (3) (a) A person shall not be held personally
29 liable for monetary damages for a violation of this
30 Article if the person reasonably relied, in good
31 faith, on the application of the exemption under
32 this subsection (I) relating to housing for older
33 persons.

34 (b) For the purposes of this item (3), a

1 person may show good faith reliance on the
2 application of the exemption only by showing that:

3 (i) the person has no actual knowledge
4 that the facility or community is not, or will
5 not be, eligible for the exemption; and

6 (ii) the facility or community has stated
7 formally, in writing, that the facility or
8 community complies with the requirements for
9 the exemption.

10 (Source: P.A. 89-520, eff. 7-18-96.)