



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1270**

Introduced 2/9/2005, by Rep. Wyvetter H. Younge

**SYNOPSIS AS INTRODUCED:**

New Act	
775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103

Creates the Bill of Rights for the Homeless Act. Sets forth certain rights of homeless persons, including the right to live in any community in the State, the right to choose living arrangements, and the right to employment and training opportunities. Directs the Department of Human Rights to monitor and enforce homeless persons' rights, and provides criminal penalties for violations of those rights. Authorizes the Department of Commerce and Economic Opportunity to establish priorities of eligibility for temporary rental or other housing assistance among the various categories of persons needing assistance in obtaining or retaining housing.

LRB094 07993 DRJ 38175 b

FISCAL NOTE ACT  
MAY APPLY

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 (Text of Section before amendment by P.A. 93-1078)

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

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

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

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

32 (D) Freedom from Discrimination Based on Familial  
33 Status-Real Estate Transactions. To prevent discrimination

1 based on familial status in real estate transactions.

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

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

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

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

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

25 (Text of Section after amendment by P.A. 93-1078)

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

28 (A) Freedom from Unlawful Discrimination. To secure for all  
29 individuals within Illinois the freedom from discrimination  
30 against any individual because of his or her race, color,  
31 religion, sex, national origin, ancestry, age, marital status,  
32 physical or mental handicap, housing status, military status,  
33 sexual orientation, or unfavorable discharge from military  
34 service in connection with employment, real estate  
35 transactions, access to financial credit, and the availability

1 of public accommodations.

2 (B) Freedom from Sexual Harassment-Employment and Higher  
3 Education. To prevent sexual harassment in employment and  
4 sexual harassment in higher education.

5 (C) Freedom from Discrimination Based on Citizenship  
6 Status-Employment. To prevent discrimination based on  
7 citizenship status in employment.

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

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

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

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

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

33 (Source: P.A. 93-1078, eff. 1-1-06.)

34 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

35 (Text of Section before amendment by P.A. 93-1078)

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

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

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

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

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

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

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

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

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

33           (I) Handicap. "Handicap" means a determinable physical or  
34 mental characteristic of a person, including, but not limited  
35 to, a determinable physical characteristic which necessitates  
36 the person's use of a guide, hearing or support dog, the



1 history of such characteristic, or the perception of such  
2 characteristic by the person complained against, which may  
3 result from disease, injury, congenital condition of birth or  
4 functional disorder and which characteristic:

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

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

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

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

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

19 (J-1) Military Status. "Military status" means a person's  
20 status on active duty in the armed forces of the United States,  
21 status as a current member of any reserve component of the  
22 armed forces of the United States, including the United States  
23 Army Reserve, United States Marine Corps Reserve, United States  
24 Navy Reserve, United States Air Force Reserve, and United  
25 States Coast Guard Reserve, or status as a current member of  
26 the Illinois Army National Guard or Illinois Air National  
27 Guard.

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

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

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

4 (N) Religion. "Religion" includes all aspects of religious  
5 observance and practice, as well as belief, except that with  
6 respect to employers, for the purposes of Article 2, "religion"  
7 has the meaning ascribed to it in paragraph (F) of Section  
8 2-101.

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

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

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

22 (Source: P.A. 93-941, eff. 8-16-04.)

23 (Text of Section after amendment by P.A. 93-1078)

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

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

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

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

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

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

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

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

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

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

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

29 (I-5) Housing status. "Housing status" means (i) the type  
30 of housing in which an individual resides or (ii) the status of  
31 having or not having a fixed or regular residence, including  
32 the status of living on the streets, in a shelter, or in a  
33 temporary residence.

34 (1) For purposes of Article 2 is unrelated to the  
35 person's ability to perform the duties of a particular job  
36 or position and, pursuant to Section 2-104 of this Act, a

1 person's illegal use of drugs or alcohol is not a handicap;

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

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

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

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

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

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

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

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

33 (N) Religion. "Religion" includes all aspects of religious  
34 observance and practice, as well as belief, except that with  
35 respect to employers, for the purposes of Article 2, "religion"  
36 has the meaning ascribed to it in paragraph (F) of Section

1 2-101.

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

3 (O-1) Sexual orientation. "Sexual orientation" means  
4 actual or perceived heterosexuality, homosexuality,  
5 bisexuality, or gender-related identity, whether or not  
6 traditionally associated with the person's designated sex at  
7 birth. "Sexual orientation" does not include a physical or  
8 sexual attraction to a minor by an adult.

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

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

21 (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06.)

22 Section 95. No acceleration or delay. Where this Act makes  
23 changes in a statute that is represented in this Act by text  
24 that is not yet or no longer in effect (for example, a Section  
25 represented by multiple versions), the use of that text does  
26 not accelerate or delay the taking effect of (i) the changes  
27 made by this Act or (ii) provisions derived from any other  
28 Public Act.