



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0225

Introduced 1/19/2007, by Rep. Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/3-102	from Ch. 68, par. 3-102
775 ILCS 5/8A-104	from Ch. 68, par. 8A-104
775 ILCS 5/8B-104	from Ch. 68, par. 8B-104

Amends the Illinois Human Rights Act. With respect to real estate transactions, prohibits discrimination on the basis of source of income in relation to residential rental real estate transactions. In provisions making 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 unlawful discrimination or familial status or source of income, to engage in certain activities, provides that those provisions do not: (i) require a housing authority or housing development project in which 25% or more of the units are owned by a housing authority or subject to a leasing agreement, regulatory and operating agreement, or other similar instrument with a housing authority to lease or rent another unit of that same housing development project to an existing or prospective tenant who is receiving subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher program for payment of part or all of the rent for the unit; (ii) require or prevent, with specified exceptions, any person whose property is located in a municipality with fewer than 1,000,000 inhabitants and is in a concentrated census tract where 3% of the total housing stock in that census tract is occupied by tenants relying on subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher program for payment of part of the rent for the unit to lease or rent a unit to a prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part or all of the rent for the unit (the housing authority shall determine which census tracts within its service area meet the concentrated census tract exemption requirements and annually deliver that information to the municipalities within its jurisdiction); or (iii) prevent an owner or agent from taking into consideration factors other than lawful source of income such as credit history, criminal history, or references. Makes other changes. Effective January 31, 2008.

LRB095 03695 RLC 23722 b

A BILL FOR

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, 3-102, 8A-104, and 8B-104 as
6 follows:

7 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

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

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

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

22 (C) Freedom from Discrimination Based on Citizenship
23 Status-Employment. To prevent discrimination based on

1 citizenship status in employment.

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

5 (D-1) Freedom from Discrimination Based on Source of
6 Income-Residential Rental Real Estate Transactions. To prevent
7 discrimination based on source of income in residential rental
8 real estate transactions.

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

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

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

26 (H) Unfounded Charges. To protect citizens of this State

1 against unfounded charges of unlawful discrimination, sexual
2 harassment in employment and sexual harassment in higher
3 education, and discrimination based on citizenship status in
4 employment.

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

6 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

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

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

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

20 (C) Charge. "Charge" means an allegation filed with the
21 Department by an aggrieved party or initiated by the Department
22 under its authority.

23 (D) Civil Rights Violation. "Civil rights violation"
24 includes and shall be limited to only those specific acts set
25 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,

1 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
2 Act.

3 (E) Commission. "Commission" means the Human Rights
4 Commission created by this Act.

5 (F) Complaint. "Complaint" means the formal pleading filed
6 by the Department with the Commission following an
7 investigation and finding of substantial evidence of a civil
8 rights violation.

9 (G) Complainant. "Complainant" means a person including
10 the Department who files a charge of civil rights violation
11 with the Department or the Commission.

12 (H) Department. "Department" means the Department of Human
13 Rights created by this Act.

14 (I) Handicap. "Handicap" means a determinable physical or
15 mental characteristic of a person, including, but not limited
16 to, a determinable physical characteristic which necessitates
17 the person's use of a guide, hearing or support dog, the
18 history of such characteristic, or the perception of such
19 characteristic by the person complained against, which may
20 result from disease, injury, congenital condition of birth or
21 functional disorder and which characteristic:

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

26 (2) For purposes of Article 3, is unrelated to the

1 person's ability to acquire, rent or maintain a housing
2 accommodation;

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

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

8 (I-5) Housing authority. "Housing authority" means either
9 a housing authority created under the Housing Authorities Act
10 or other government agency that is authorized by the United
11 States government under the United States Housing Act of 1937
12 to administer a housing choice voucher program, or the
13 authorized agent of such a housing authority that is authorized
14 to act upon that authority's behalf.

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

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

26 (K) National Origin. "National origin" means the place in

1 which a person or one of his or her ancestors was born.

2 (L) Person. "Person" includes one or more individuals,
3 partnerships, associations or organizations, labor
4 organizations, labor unions, joint apprenticeship committees,
5 or union labor associations, corporations, the State of
6 Illinois and its instrumentalities, political subdivisions,
7 units of local government, legal representatives, trustees in
8 bankruptcy or receivers.

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

12 (N) Religion. "Religion" includes all aspects of religious
13 observance and practice, as well as belief, except that with
14 respect to employers, for the purposes of Article 2, "religion"
15 has the meaning ascribed to it in paragraph (F) of Section
16 2-101.

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

18 (O-1) Sexual orientation. "Sexual orientation" means
19 actual or perceived heterosexuality, homosexuality,
20 bisexuality, or gender-related identity, whether or not
21 traditionally associated with the person's designated sex at
22 birth. "Sexual orientation" does not include a physical or
23 sexual attraction to a minor by an adult.

24 (O-5) Source of Income. "Source of income" means any lawful
25 income, subsidy, or benefit with which an individual supports
26 himself or herself and his or her dependents, including, but

1 not limited to, child support, maintenance, and any federal,
2 State, or local public assistance, medical assistance, or
3 rental assistance program.

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

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

16 (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06;
17 94-803, eff. 5-26-06.)

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 for
22 a real estate broker or salesman, because of unlawful
23 discrimination or familial status or source of income in
24 connection with residential rental real estate transactions,
25 to

1 (A) Transaction. Refuse to engage in a real estate
2 transaction with a person or to discriminate in making
3 available such a transaction;

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

7 (C) Offer. Refuse to receive or to fail to transmit a bona
8 fide offer to engage in a real estate transaction from a
9 person;

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

12 (E) Representations. Represent to a person that real
13 property is not available for inspection, sale, rental, or
14 lease when in fact it is so available, or to fail to bring a
15 property listing to his or her attention, or to refuse to
16 permit him or her to inspect real property;

17 (F) Publication of Intent. Print, circulate, post, mail,
18 publish or cause to be so published a written or oral
19 statement, advertisement or sign, or to use a form of
20 application for a real estate transaction, or to make a record
21 or inquiry in connection with a prospective real estate
22 transaction, which expresses any limitation founded upon, or
23 indicates, directly or indirectly, an intent to engage in
24 unlawful discrimination;

25 (G) Listings. Offer, solicit, accept, use or retain a
26 listing of real property with knowledge that unlawful

1 discrimination or discrimination on the basis of familial
2 status in a real estate transaction is intended.

3 Nothing in this Section 3-102 or in any municipal or county
4 ordinance described in Section 7-108 of this Act shall require
5 a housing authority, its designated property manager, or any
6 other housing authority agents or assigns of any housing
7 development project in which 25% or more of the units are owned
8 by a housing authority or subject to a leasing agreement,
9 regulatory and operating agreement, or other similar
10 instrument with a housing authority to lease or rent another
11 unit of that same housing development project to an existing or
12 prospective tenant who is receiving subsidies, payment
13 assistance, contributions, or vouchers under or in connection
14 with the federal Housing Choice Voucher (also known as Section
15 8) program (42 U.S.C. 1437f) for payment of part or all of the
16 rent for the unit.

17 Nothing in this Section 3-102, except with respect to
18 written statements prohibited by subdivision (F) of this
19 Section, shall require or prevent any person whose property is
20 located in a municipality with fewer than 1,000,000
21 inhabitants, and is in a concentrated census tract where 3% of
22 the total housing stock in that census tract is occupied by
23 tenants relying on subsidies, payment assistance,
24 contributions, or vouchers under or in connection with the
25 federal Housing Choice Voucher (also known as Section 8)
26 program (42 U.S.C. 1437f) for payment of part of the rent for

1 the unit to lease or rent a unit to a prospective tenant who is
2 relying on such a subsidy, payment assistance, contribution, or
3 voucher for payment of part or all of the rent for the unit.
4 The housing authority shall determine which census tracts
5 within its service area meet the concentrated census tract
6 exemption requirements and annually deliver that information
7 to the municipalities within its jurisdiction.

8 Nothing in this Section 3-102 prevents an owner or agent
9 from taking into consideration factors other than lawful source
10 of income such as credit history, criminal history, or
11 references.

12 Nothing in this Section 3-102 shall require or prevent any
13 person whose property fails to meet federal Housing Quality
14 Standards in connection with the federal Housing Choice Voucher
15 (also known as Section 8) program (42 U.S.C. 1437f) to lease or
16 rent a unit to a prospective tenant who is relying on such a
17 subsidy, payment assistance, contribution, or voucher for
18 payment of part or all of the rent for such unit.

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

20 (775 ILCS 5/8A-104) (from Ch. 68, par. 8A-104)

21 Sec. 8A-104. Relief; Penalties. Upon finding a civil rights
22 violation, a hearing officer may recommend and the Commission
23 or any three-member panel thereof may provide for any relief or
24 penalty identified in this Section, separately or in
25 combination, by entering an order directing the respondent to:

1 (A) Cease and Desist Order. Cease and desist from any
2 violation of this Act.

3 (B) Actual Damages. Pay actual damages, as reasonably
4 determined by the Commission, for injury or loss suffered by
5 the complainant.

6 (C) Hiring; Reinstatement; Promotion; Backpay; Fringe
7 Benefits. Hire, reinstate or upgrade the complainant with or
8 without back pay or provide such fringe benefits as the
9 complainant may have been denied.

10 (D) Restoration of Membership; Admission To Programs.
11 Admit or restore the complainant to labor organization
12 membership, to a guidance program, apprenticeship training
13 program, on the job training program, or other occupational
14 training or retraining program.

15 (E) Public Accommodations. Admit the complainant to a
16 public accommodation.

17 (F) Services. Extend to the complainant the full and equal
18 enjoyment of the goods, services, facilities, privileges,
19 advantages, or accommodations of the respondent.

20 (G) Attorneys Fees; Costs. Pay to the complainant all or a
21 portion of the costs of maintaining the action, including
22 reasonable attorney fees and expert witness fees incurred in
23 maintaining this action before the Department, the Commission
24 and in any judicial review and judicial enforcement
25 proceedings. Provided, however, that no award of attorney fees
26 or costs shall be made pursuant to this amendatory Act of 1987

1 with respect to any charge for which the complaint before the
2 Commission was filed prior to December 1, 1987. With respect to
3 all charges for which complaints were filed with the Commission
4 prior to December 1, 1987, attorney fees and costs shall be
5 awarded pursuant to the terms of this subsection as it existed
6 prior to revision by this amendatory Act of 1987.

7 (H) Compliance Report. Report as to the manner of
8 compliance.

9 (I) Posting of Notices. Post notices in a conspicuous place
10 which the Commission may publish or cause to be published
11 setting forth requirements for compliance with this Act or
12 other relevant information which the Commission determines
13 necessary to explain this Act.

14 (I-1) Training. Participate in training by the Department
15 or other such training as is necessary to prevent future civil
16 rights violations.

17 (J) Make Complainant Whole. Take such action as may be
18 necessary to make the individual complainant whole, including,
19 but not limited to, awards of interest on the complainant's
20 actual damages and backpay from the date of the civil rights
21 violation. Provided, however, that no award of prejudgment
22 interest shall be made pursuant to this amendatory Act of 1987
23 with respect to any charge in which the complaint before the
24 Commission was filed prior to December 1, 1987. With respect to
25 all charges for which complaints were filed with the Commission
26 prior to December 1, 1987, make whole relief shall be awarded

1 pursuant to this subsection as it existed prior to revision by
2 this amendatory Act of 1987.

3 There shall be no distinction made under this Section
4 between complaints filed by the Department and those filed by
5 the aggrieved party.

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

7 (775 ILCS 5/8B-104) (from Ch. 68, par. 8B-104)

8 Sec. 8B-104. Relief; Penalties. Upon finding a civil rights
9 violation, a hearing officer may recommend and the Commission
10 or any three-member panel thereof may provide for any relief or
11 penalty identified in this Section, separately or in
12 combination, by entering an order directing the respondent to:

13 (A) Cease and Desist Order. Cease and desist from any
14 violation of this Act.

15 (B) Actual Damages. Pay actual damages, as reasonably
16 determined by the Commission, for injury or loss suffered by
17 the complainant.

18 (C) Civil Penalty. Pay a civil penalty to vindicate the
19 public interest:

20 (i) in an amount not exceeding \$10,000 if the respondent
21 has not been adjudged to have committed any prior civil rights
22 violation under Article 3;

23 (ii) in an amount not exceeding \$25,000 if the respondent
24 has been adjudged to have committed one other civil rights
25 violation under Article 3 during the 5-year period ending on

1 the date of the filing of this charge; and

2 (iii) in an amount not exceeding \$50,000 if the respondent
3 has been adjudged to have committed 2 or more civil rights
4 violations under Article 3 during the 7-year period ending on
5 the date of the filing of this charge; except that if the acts
6 constituting the civil rights violation that is the object of
7 the charge are committed by the same natural person who has
8 been previously adjudged to have committed acts constituting a
9 civil rights violation under Article 3, then the civil
10 penalties set forth in subparagraphs (ii) and (iii) may be
11 imposed without regard to the period of time within which any
12 subsequent civil rights violation under Article 3 occurred.

13 (D) Attorney Fees; Costs. Pay to the complainant all or a
14 portion of the costs of maintaining the action, including
15 reasonable attorneys fees and expert witness fees incurred in
16 maintaining this action before the Department, the Commission
17 and in any judicial review and judicial enforcement
18 proceedings.

19 (E) Compliance Report. Report as to the manner of
20 compliance.

21 (F) Posting of Notices. Post notices in a conspicuous place
22 which the Commission may publish or cause to be published
23 setting forth requirements for compliance with this Act or
24 other relevant information which the Commission determines
25 necessary to explain this Act.

26 (F-1) Training. Participate in Fair Housing training by the

1 Department or other such training as is necessary to prevent
2 future civil rights violations.

3 (G) Make Complainant Whole. Take such action as may be
4 necessary to make the individual complainant whole, including,
5 but not limited to, awards of interest on the complainant's
6 actual damages from the date of the civil rights violation.

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

8 Section 99. Effective date. This Act takes effect January
9 31, 2008.