



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0257

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

SYNOPSIS AS INTRODUCED:

775 ILCS 5/3-106

from Ch. 68, par. 3-106

Amends the Illinois Human Rights Act. Provides that the limitation under the housing exemptions apply to buildings of 4 or fewer units occupied by the owner (at present, a building with accommodations for not more than 5 families living independently of each other if the lessor or a member of his or her family resides in one dwelling unit). Provides that the listed exemptions for private sales of single family homes and for apartments do not apply to the publication of intent to engage in unlawful discrimination. Effective immediately.

LRB095 03651 AJ0 23677 b

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 Section 3-106 as follows:

6 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

7 Sec. 3-106. Exemptions. ~~Nothing contained in Section~~
8 3-102 shall prohibit:

9 (A) Private Sales of Single Family Homes.

10 (1) Any sale of a single family home by its owner so
11 long as the following criteria are met:

12 (a) ~~(1)~~ The owner does not own or have a beneficial
13 interest in more than three single family homes at the
14 time of the sale;

15 (b) ~~(2)~~ The owner or a member of his or her family
16 was the last current resident of the home;

17 (c) ~~(3)~~ The home is sold without the use in any
18 manner of the sales or rental facilities or services of
19 any real estate broker or salesman, or of any employee
20 or agent of any real estate broker or salesman;

21 (d) ~~(4)~~ The home is sold without the publication,
22 posting or mailing, after notice, of any advertisement
23 or written notice in violation of paragraph (F) of

1 Section 3-102.

2 (2) This exemption does not apply to paragraph (F) of
3 Section 3-102.

4 (B) Apartments. Rental of a housing accommodation in a
5 building which contains housing accommodations for not more
6 than 4 ~~five~~ families living independently of each other, if the
7 owner ~~lessor or a member of his or her family~~ resides in one of
8 the housing accommodations. † This exemption does not apply to
9 paragraph (F) of Section 3-102.

10 (C) Private Rooms. Rental of a room or rooms in a private
11 home by an owner if he or she or a member of his or her family
12 resides therein or, while absent for a period of not more than
13 twelve months, if he or she or a member of his or her family
14 intends to return to reside therein. †

15 (D) Reasonable local, State, or Federal restrictions
16 regarding the maximum number of occupants permitted to occupy a
17 dwelling.

18 (E) Religious Organizations. A religious organization,
19 association, or society, or any nonprofit institution or
20 organization operated, supervised or controlled by or in
21 conjunction with a religious organization, association, or
22 society, from limiting the sale, rental or occupancy of a
23 dwelling which it owns or operates for other than a commercial
24 purpose to persons of the same religion, or from giving
25 preference to such persons, unless membership in such religion
26 is restricted on account of race, color, or national 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 any
5 court of competent jurisdiction of the illegal manufacture or
6 distribution of a controlled substance as defined in Section
7 102 of the federal Controlled Substances Act (21 U.S.C. 802).

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

12 (H-1) The owner of an owner-occupied residential building
13 with 4 ~~5~~ or fewer units (including the unit in which the owner
14 resides) from making decisions regarding whether to rent to a
15 person based upon that person's sexual orientation.

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

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

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

25 (b) intended for, and solely occupied by, persons
26 62 years of age or older; or

1 (c) intended and operated for occupancy by persons
2 55 years of age or older and:

3 (i) at least 80% of the occupied units are
4 occupied by at least one person who is 55 years of
5 age or older;

6 (ii) the housing facility or community
7 publishes and adheres to policies and procedures
8 that demonstrate the intent required under this
9 subdivision (c); and

10 (iii) the housing facility or community
11 complies with rules adopted by the Department for
12 verification of occupancy, which shall:

13 (aa) provide for verification by reliable
14 surveys and affidavits; and

15 (bb) include examples of the types of
16 policies and procedures relevant to a
17 determination of compliance with the
18 requirement of clause (ii).

19 These surveys and affidavits shall be admissible in
20 administrative and judicial proceedings for the purposes
21 of such verification.

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

24 (a) persons residing in such housing as of the
25 effective date of this amendatory Act of 1989 who do
26 not meet the age requirements of subsections (1) (b) or

1 (c); provided, that new occupants of such housing meet
2 the age requirements of subsections (1)(b) or (c) of
3 this subsection; or

4 (b) unoccupied units; provided, that such units
5 are reserved for occupancy by persons who meet the age
6 requirements of subsections (1)(b) or (c) of this
7 subsection.

8 (3) (a) A person shall not be held personally liable
9 for monetary damages for a violation of this Article if
10 the person reasonably relied, in good faith, on the
11 application of the exemption under this subsection (I)
12 relating to housing for older persons.

13 (b) For the purposes of this item (3), a person may
14 show good faith reliance on the application of the
15 exemption only by showing that:

16 (i) the person has no actual knowledge that the
17 facility or community is not, or will not be,
18 eligible for the exemption; and

19 (ii) the facility or community has stated
20 formally, in writing, that the facility or
21 community complies with the requirements for the
22 exemption.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.